# STATE OF NEW YORK

S. 3008 A. 3008

# SENATE - ASSEMBLY

January 22, 2025

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the executive law, in relation to the Waterfront Commission Act (Part A); to amend part I of chapter 413 of the laws of 1999 relating to providing for mass transportation payments in relation to the amount of payments in the Central New York Regional Transportation District and adding Cortland County to such District (Part B); to amend chapter 368 of the laws of 2019 amending the vehicle and traffic law and state finance law relating to establishing a pre-licensing course internet program, in relation to extending the effectiveness thereof (Part C); to amend the vehicle and traffic law, in relation to abandoned vehicles (Part D); to amend the vehicle and traffic law, in relation to expanding the definition of what constitutes drugged impaired driving, penalizing refusals to submit to preliminary screening tests, authorizing prompt license suspensions for drugged driving arrests and expanding situations in which chemical tests can be compelled (Part E); to amend the vehicle and traffic law, in relation to improving safety at elementary school intersections (Part F); to amend the vehicle and traffic law, in relation to bicycles with electric assist (Part G); to amend the vehicle and traffic law, in relation to maximum speed limits for bicycles, bicycles with electric assist, electronic scooters and other devices authorized or required to use bicycle lanes (Part H); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part I); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part J); to amend the public authorities law, in relation to acquisitions or transfers of

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

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property for certain transit projects; and to amend part VVV of chapter 58 of the laws of 2020 amending the public authorities law relating to acquisitions or transfers of property for transit projects, in relation to the effectiveness thereof (Part K); to amend part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, in relation to funding for net paratransit operating expenses and in relation to the effectiveness thereof (Part L); to amend the state finance law, in relation to providing funding for the metropolitan transportation authority 2025-2029 capital program (Part M); to amend the vehicle and traffic law and the public officers law, in relation to authorizing covered agencies and authorities to use weigh-in-motion technology to automatically enforce vehicle weight limits on their facilities (Part N); to amend the vehicle and traffic law, in relation to bus operation-related traffic regulations (Part O); to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to the authorization of a surcharge for the issuance of permits relating to the obstruction or closure of a street or pedestrian plaza for construction purposes in a city having a population of one million or more and to the imposition of such surcharge (Part P); to amend the vehicle and traffic law and the public officers law, in relation to the speed violation photo monitoring systems program in work zones including authorizing a photo monitoring program for the Triborough bridge and tunnel authority and New York state bridge authority; to amend the state finance law, in relation to establishing a work zone speed camera administration fund; and to amend chapter 421 of the laws of 2021 amending the vehicle and traffic law and the general municipal law relating to certain notices of liability, in relation to making such provisions permanent (Part Q); to amend the penal law and the vehicle and traffic law, in relation to expanding enhanced assault protection for motor vehicle license examiners, motor vehicle representatives, highway workers, motor carrier investigators, motor carrier inspectors, and triborough bridge and tunnel authority workers (Part R); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part S); to amend the public authorities law, in relation to authorizing the Olympic regional development authority to enter into agreements for membership of one or more of its ski venues in reciprocal ski pass programs where such members are required to guarantee contractual indemnity up to a capped amount (Part T); to amend the general business law, in relation to artificial intelligence companion models (Part U); to amend the general business law, in relation to refund policies (Part V); to amend the general business law, in relation to automatic renewals (Part W); to amend the general business law, in relation to requiring disclosure of algorithmically set prices (Part X); to amend the banking law, in relation to the regulation of buy-now-pay-later lenders (Part Y); to amend the insurance law, in relation to disclosure of pharmacy benefit manager rebate contracts (Part Z); to amend the general business law, the banking law, and the social services law, in relation to protecting eligible adults from financial exploitation (Part AA); to amend the insurance law, in relation to for hire group insurance (Part BB); to amend the insurance law, in relation to for hire motor vehicle insurance rates (Part CC);

to amend the insurance law, in relation to rates for livery insurance (Part DD); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part FF); to amend part BB of chapter 58 of the laws of 2012, amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part GG); in relation to enacting the private activity bond allocation act of 2025; and providing for the repeal of certain provisions upon expiration thereof (Part HH); to amend the public authorities law, in relation to the construction and financing of public libraries (Part II); to amend the public authorities law, in relation to authorizing the dormitory authority to provide additional services to local governments and the department of environmental conservation (Part JJ); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part KK); to amend the state finance law, in relation to the excelsior linked deposit program (Part LL); to amend the state finance law and the public authorities law, in relation to purchasing thresholds (Part MM); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing certain New York state and local authorities to create a pure or group captive insurance company (Part NN); to amend the agriculture and markets law, in relation to farmland protection (Part OO); to amend the environmental conservation law, in relation to extending the waste tire management fee for five years and removing the exclusion for mail order sales (Part PP); to amend chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, in relation to extending provisions of the youth deer hunting program (Part QQ); to amend the environmental conservation law, the state finance law and the public authorities law, in relation to the inactive hazardous waste disposal site program (Part RR); to amend the general business law, in relation to prohibiting the sale and manufacturing of firefighting personal protective equipment containing intentionally added PFAS (Part SS); to amend the environmental conservation law, in relation to authorizing the commissioner of environmental conservation to acquire conservation easements without attorney general approval (Subpart A); and to amend the tax law, in relation to exemptions for any not-for-profit tax exempt corporation operated for conservation, environmental, parks or historic preservation purposes (Subpart B) (Part TT); to amend the environmental conservation law, in relation to the management of crabs (Part UU); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation from an assessment on gas and electric corporations (Part VV); to amend abandoned property law, in relation to ensuring ESCOs are subject to the same consumer protection regulations regarding unclaimed deposits and refunds currently facing utility companies (Part WW); to authorize utility and cable television

assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of state, the office of parks, recreation and historic preservation, and the department of environmental conservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part XX); to amend the general business law and the state finance law, in relation to increasing and redirecting civil penalties for failing to comply with the department of public service's prescribed rules and regulations established for the protection of underground facilities (Part YY); and to amend the tax law, in relation to authorizing the department of taxation and finance to disclose certain information to the department of environmental conservation or the New York state energy research and development authority for the purpose of implementing the New York state climate leadership and community protection act (Part ZZ)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2025-2026 state fiscal year. Each component is wholly contained within a Part identified as Parts A through ZZ. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph (a) of subdivision 4 of section 534-n of the executive law, as added by section 2 of part L of chapter 58 of the laws of 2024, is amended to read as follows:

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

§ 2. Subdivisions 6 and 7 of section 534-u of the executive law, as added by section 2 of part L of chapter 58 of the laws of 2024, are amended to read as follows:

6. Association with a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group, a terrorist group, or a career offender cartel, or who is a career offender, under circumstances where such association creates a reasonable belief that the participation of the [~~applicant~~]

licensee or registrant in any activity required to be licensed under this act would be inimical to the policies of this article, provided however that association without the requisite showing of inimicality as set forth herein shall be insufficient grounds for revocation; or

7. Conviction of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity by a court of the United States or any state or territory thereof under circumstances where such association creates a reasonable belief that the participation of the [~~applicant~~] licensee or registrant in any activity required to be licensed under this act would be inimical to the policies of this article, provided, however, that association without the requisite showing of inimicality as set forth herein shall be insufficient grounds for revocation.

§ 3. This act shall take effect immediately.

PART B

Section 1. Section 1 of part I of chapter 413 of the laws of 1999 relating to providing for mass transportation payments, as amended by section 1 of part E of chapter 58 of the laws of 2024, is amended to read as follows:

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

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

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

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

| Local Jurisdiction | Percentage of Matching Payment |
|---|---|
| In the Metropolitan Commuter Transportation District: | |
| New York City ..... | 6.40 |
| Dutchess ..... | 1.30 |
| Nassau ..... | 39.60 |
| Orange ..... | 0.50 |
| Putnam ..... | 1.30 |
| Rockland ..... | 0.10 |

| | | |
|---|---|---|
| Suffolk | 25.70 | |
| Westchester | 25.10 | |
| In the Capital District Transportation District: | | |
| Albany | 54.05 | |
| Rensselaer | 22.45 | |
| Saratoga | 3.95 | |
| Schenectady | 15.90 | |
| Montgomery | 1.44 | |
| Warren | 2.21 | |
| In the Central New York Regional Transportation District: | | |
| Cayuga | [~~5.11~~] **5.05** | |
| Onondaga | [~~75.83~~] **74.94** | |
| Oswego | [~~2.85~~] **2.82** | |
| Oneida | [~~16.21~~] **16.02** | |
| **Cortland** | **1.17** | |
| In the Rochester-Genesee Regional Transportation District: | | |
| Genesee | 1.36 | |
| Livingston | .90 | |
| Monroe | 90.14 | |
| Wayne | .98 | |
| Wyoming | .51 | |
| Seneca | .64 | |
| Orleans | .77 | |
| Ontario | 4.69 | |
| In the Niagara Frontier Transportation District: Erie | | 89.20 |
| Niagara | 10.80 | |

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

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

Payments may be made in quarterly installments as provided in subdivision 2 of section 18-b of the transportation law or in such other manner and at such other times as the commissioner of transportation, with the approval of the director of the budget, may provide; and where payment

is not made in the manner provided by such subdivision 2, the matching payments required of any city, county, Indian tribe or intercity bus company shall be made within 30 days of the payment of state operating assistance pursuant to this section or on such other basis as may be agreed upon by the commissioner of transportation, the director of the budget, and the chief executive officer of such city, county, Indian tribe or intercity bus company.

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

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

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

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

assistance due for the final quarter that service is provided shall be based upon the actual total number of revenue passengers and the actual total number of vehicle, nautical or car miles carried during that quarter.

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

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

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

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

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2025.

PART C

Section 1. Section 6 of chapter 368 of the laws of 2019 amending the vehicle and traffic law and state finance law relating to establishing a pre-licensing course internet program, is amended to read as follows:

§ 6. This act shall take effect June 30, 2020 and shall expire and be deemed repealed June 30, [~~2025~~] **2030**; provided, however, that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 13 of part U1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section five of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

§ 2. This act shall take effect immediately.

PART D

Section 1. Paragraph (a) of subdivision 1 of section 1224 of the vehicle and traffic law, as amended by chapter 795 of the laws of 1974, is amended to read as follows:

(a) with no number plates affixed thereto, for more than [~~six~~] three hours on any highway or other public place;

§ 2. Subdivision 2 of section 1224 of the vehicle and traffic law, as amended by chapter 540 of the laws of 2002, is amended to read as follows:

2. If an abandoned vehicle, at the time of abandonment, has no number plates affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of [~~one thousand two hundred fifty~~] three thousand five hundred dollars or less, ownership shall immediately vest in the local authority having jurisdiction thereof and title to the vehicle shall vest in accordance with applicable law and regulations of the commissioner, provided however that a local authority shall not be required to obtain title to an abandoned vehicle that is subject to the provisions of this subdivision if the vehicle will be sold or otherwise disposed of as junk or salvage, dismantled for use other than as a motor vehicle, or otherwise destroyed.

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

PART E

Section 1. Section 114-a of the vehicle and traffic law, as amended by chapter 92 of the laws of 2021, is amended to read as follows:

§ 114-a. Drug. The term "drug" when used in this chapter, means and includes any substance listed in section thirty-three hundred six of the public health law and cannabis and concentrated cannabis as defined in section 222.00 of the penal law and any substance or combination of substances that impair physical or mental abilities to any extent.

§ 2. The vehicle and traffic law is amended by adding two new sections 119-a-1 and 119-b-1 to read as follows:

§ 119-a-1. Impaired. Impairment is reached when a driver has consumed or ingested a substance or combination of substances to the extent that the driver has impaired, to any extent, the physical and/or mental abilities which a driver is expected to possess in order to operate a vehicle as a reasonable and prudent person.

§ 119-b-1. Intoxication. Intoxication is a greater degree of impairment which is reached when a driver has consumed or ingested a substance or combination of substances to the extent that the driver is incapable, to a substantial extent, of employing the physical and/or mental abilities which a driver is expected to possess in order to operate a vehicle as a reasonable and prudent person.

§ 3. Subdivisions 1, 2 and 3 of section 1194 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, paragraph (a) of subdivision 2 as amended by chapter 196 of the laws of 1996, paragraphs (b) and (c) of subdivision 2 as amended by chapter 489 of the laws of 2017, clause (A) of subparagraph 1, subparagraphs 2 and 3 of paragraph (b), subparagraphs 1, 2 and 3 of paragraph (c) of subdivision 2 as amended by chapter 27 of the laws of 2018, subparagraphs 1 and 2 of paragraph (d) of subdivision 2 as amended by chapter 732 of the laws of 2006, and item (iii) of clause c of subparagraph 1 of paragraph (d) of subdivision 2 as amended by section 37 of part LL of chapter 56 of the laws of 2010, are amended to read as follows:

1. Arrest and field testing. (a) Arrest. Notwithstanding the provisions of section 140.10 of the criminal procedure law, a police officer may, without a warrant, arrest a person, in case of a violation of subdivision one of section eleven hundred ninety-two of this article,

if such violation is coupled with an accident or collision in which such person is involved, which in fact has been committed, though not in the police officer's presence, when the officer has reasonable cause to believe that the violation was committed by such person.

(b) Field testing. Every person operating a motor vehicle which has been involved in an accident or which is operated in violation of any of the provisions of this chapter shall, at the request of a police officer, submit to a breath test **and oral/bodily fluid test** to be administered by the police officer. If such test indicates that such operator has consumed alcohol **or a drug or drugs**, the police officer may request such operator to submit to a chemical test **and an evaluation conducted by a drug recognition expert** in the manner set forth in subdivision two of this section.

**(c) Refusal to submit to a breath test or oral/bodily fluid test pursuant to paragraph (b) of this subdivision shall be a traffic infraction, subject to penalties as defined in section eighteen hundred of this chapter.**

2. Chemical tests **and drug recognition evaluations**. (a) When authorized. Any person who operates a motor vehicle in this state shall be deemed to have given consent to **an evaluation conducted by a drug recognition expert, and** a chemical test of one or more of the following: breath, blood, urine, or [~~saliva~~] **oral/bodily fluid**, for the purpose of determining the alcoholic and/or drug content [~~of the blood~~] **within such person's body,** provided that such test is administered by or at the direction of a police officer with respect to a chemical test of breath, urine or [~~saliva~~] **oral/bodily fluid** or, with respect to a chemical test of blood, at the direction of a police officer:

(1) having reasonable grounds to believe such person to have been operating in violation of any subdivision of section eleven hundred ninety-two of this article and within two hours after such person has been placed under arrest for any such violation; or having reasonable grounds to believe such person to have been operating in violation of section eleven hundred ninety-two-a of this article and within two hours after the stop of such person for any such violation,

(2) within two hours after a breath test, **or oral/bodily fluid test,** as provided in paragraph (b) of subdivision one of this section, indicates that alcohol **and/or a drug or drugs** has been consumed by such person and in accordance with the rules and regulations established by the police force of which the officer is a member;

(3) for the purposes of this paragraph, "reasonable grounds" to believe that a person has been operating a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article shall be determined by viewing the totality of circumstances surrounding the incident which, when taken together, indicate that the operator was driving in violation of such subdivision. Such circumstances may include any visible or behavioral indication of alcohol consumption by the operator, the existence of an open container containing or having contained an alcoholic beverage in or around the vehicle driven by the operator, or any other evidence surrounding the circumstances of the incident which indicates that the operator has been operating a motor vehicle after having consumed alcohol at the time of the incident; or

(4) notwithstanding any other provision of law to the contrary, no person under the age of twenty-one shall be arrested for an alleged violation of section eleven hundred ninety-two-a of this article. However, a person under the age of twenty-one for whom a chemical test

**or an evaluation conducted by a drug recognition expert** is authorized pursuant to this paragraph may be temporarily detained by the police solely for the purpose of requesting or administering such chemical test **or an evaluation conducted by a drug recognition expert** whenever arrest without a warrant for a petty offense would be authorized in accordance with the provisions of section 140.10 of the criminal procedure law or paragraph (a) of subdivision one of this section.

(b) Report of refusal. (1) If: (A) such person having been placed under arrest; or (B) after a breath **or oral/bodily fluid** test indicates the presence of alcohol **and/or a drug or drugs** in the person's system; or (C) with regard to a person under the age of twenty-one, there are reasonable grounds to believe that such person has been operating a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article; and having thereafter been requested to submit to such chemical test **or an evaluation conducted by a drug recognition expert** and having been informed that the person's license or permit to drive and any non-resident operating privilege shall be immediately suspended and subsequently revoked, or, for operators under the age of twenty-one for whom there are reasonable grounds to believe that such operator has been operating a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article, shall be revoked for refusal to submit to such chemical test or any portion thereof, **or an evaluation conducted by a drug recognition expert or any portion thereof** whether or not the person is found guilty of the charge for which such person is arrested or detained, refuses to submit to such chemical test or any portion thereof, [~~unless a court order has been granted pursuant to subdivision three of this section,~~] **or an evaluation conducted by a drug recognition expert or any portion thereof,** the test shall not be given and a written report of such refusal shall be immediately made by the police officer before whom such refusal was made. Such report may be verified by having the report sworn to, or by affixing to such report a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law and such form notice together with the subscription of the deponent shall constitute a verification of the report.

(2) The report of the police officer shall set forth reasonable grounds to believe such arrested person or such detained person under the age of twenty-one had been driving in violation of any subdivision of section eleven hundred ninety-two or eleven hundred ninety-two-a of this article, that said person had refused to submit to such chemical test, [~~and that no chemical test was administered pursuant to the requirements of subdivision three of this section~~] **or an evaluation conducted by a drug recognition expert, or any portion thereof**. The report shall be presented to the court upon arraignment of an arrested person, provided, however, in the case of a person under the age of twenty-one, for whom a test was authorized pursuant to the provisions of subparagraph two or three of paragraph (a) of this subdivision, and who has not been placed under arrest for a violation of any of the provisions of section eleven hundred ninety-two of this article, such report shall be forwarded to the commissioner within forty-eight hours in a manner to be prescribed by the commissioner, and all subsequent proceedings with regard to refusal to submit to such chemical test **or an evaluation conducted by a drug recognition expert** by such person shall be as set forth in subdivision three of section eleven hundred ninety-four-a of this article.

(3) For persons placed under arrest for a violation of any subdivision of section eleven hundred ninety-two of this article, the license or permit to drive and any non-resident operating privilege shall, upon the basis of such written report, be temporarily suspended by the court without notice pending the determination of a hearing as provided in paragraph (c) of this subdivision. Copies of such report must be transmitted by the court to the commissioner and such transmittal may not be waived even with the consent of all the parties. Such report shall be forwarded to the commissioner within forty-eight hours of such arraignment.

(4) The court or the police officer, in the case of a person under the age of twenty-one alleged to be driving after having consumed alcohol, shall provide such person with a scheduled hearing date, a waiver form, and such other information as may be required by the commissioner. If a hearing, as provided for in paragraph (c) of this subdivision, or subdivision three of section eleven hundred ninety-four-a of this article, is waived by such person, the commissioner shall immediately revoke the license, permit, or non-resident operating privilege, as of the date of receipt of such waiver in accordance with the provisions of paragraph (d) of this subdivision.

(c) Hearings. Any person whose license or permit to drive or any non-resident driving privilege has been suspended pursuant to paragraph (b) of this subdivision is entitled to a hearing in accordance with a hearing schedule to be promulgated by the commissioner. If the department fails to provide for such hearing fifteen days after the date of the arraignment of the arrested person, the license, permit to drive or non-resident operating privilege of such person shall be reinstated pending a hearing pursuant to this section. The hearing shall be limited to the following issues: (1) did the police officer have reasonable grounds to believe that such person had been driving in violation of any subdivision of section eleven hundred ninety-two of this article; (2) did the police officer make a lawful arrest of such person; (3) was such person given sufficient warning, in clear or unequivocal language, prior to such refusal that such refusal to submit to such chemical test or any portion thereof, **or an evaluation conducted by a drug recognition expert or any portion thereof,** would result in the immediate suspension and subsequent revocation of such person's license or operating privilege whether or not such person is found guilty of the charge for which the arrest was made; and (4) did such person refuse to submit to such chemical test or any portion thereof**, or an evaluation conducted by a drug recognition expert or any portion thereof**. If, after such hearing, the hearing officer, acting on behalf of the commissioner, finds on any one of said issues in the negative, the hearing officer shall immediately terminate any suspension arising from such refusal. If, after such hearing, the hearing officer, acting on behalf of the commissioner finds all of the issues in the affirmative, such officer shall immediately revoke the license or permit to drive or any non-resident operating privilege in accordance with the provisions of paragraph (d) of this subdivision. A person who has had a license or permit to drive or non-resident operating privilege suspended or revoked pursuant to this subdivision may appeal the findings of the hearing officer in accordance with the provisions of article three-A of this chapter. Any person may waive the right to a hearing under this section. Failure by such person to appear for the scheduled hearing shall constitute a waiver of such hearing, provided, however, that such person may petition the commissioner for a new hearing which shall be held as soon as practicable.

(d) Sanctions. (1) Revocations. a. Any license which has been revoked pursuant to paragraph (c) of this subdivision shall not be restored for at least one year after such revocation, nor thereafter, except in the discretion of the commissioner. However, no such license shall be restored for at least eighteen months after such revocation, nor thereafter except in the discretion of the commissioner, in any case where the person has had a prior revocation resulting from refusal to submit to a chemical test **or an evaluation conducted by a certified drug recognition expert or any portion thereof**, or has been convicted of or found to be in violation of any subdivision of section eleven hundred ninety-two or section eleven hundred ninety-two-a of this article not arising out of the same incident, within the five years immediately preceding the date of such revocation; provided, however, a prior finding that a person under the age of twenty-one has refused to submit to a chemical test **or an evaluation conducted by a certified drug recognition expert or any portion thereof** pursuant to subdivision three of section eleven hundred ninety-four-a of this article shall have the same effect as a prior finding of a refusal pursuant to this subdivision solely for the purpose of determining the length of any license suspension or revocation required to be imposed under any provision of this article, provided that the subsequent offense or refusal is committed or occurred prior to the expiration of the retention period for such prior refusal as set forth in paragraph (k) of subdivision one of section two hundred one of this chapter.

b. Any license which has been revoked pursuant to paragraph (c) of this subdivision or pursuant to subdivision three of section eleven hundred ninety-four-a of this article, where the holder was under the age of twenty-one years at the time of such refusal, shall not be restored for at least one year, nor thereafter, except in the discretion of the commissioner. Where such person under the age of twenty-one years has a prior finding, conviction or youthful offender adjudication resulting from a violation of section eleven hundred ninety-two or section eleven hundred ninety-two-a of this article, not arising from the same incident, such license shall not be restored for at least one year or until such person reaches the age of twenty-one years, whichever is the greater period of time, nor thereafter, except in the discretion of the commissioner.

c. Any commercial driver's license which has been revoked pursuant to paragraph (c) of this subdivision based upon a finding of refusal to submit to a chemical test **or an evaluation conducted by a certified drug recognition expert or any portion thereof**, where such finding occurs within or outside of this state, shall not be restored for at least eighteen months after such revocation, nor thereafter, except in the discretion of the commissioner, but shall not be restored for at least three years after such revocation, nor thereafter, except in the discretion of the commissioner, if the holder of such license was operating a commercial motor vehicle transporting hazardous materials at the time of such refusal. However, such person shall be permanently disqualified from operating a commercial motor vehicle in any case where the holder has a prior finding of refusal to submit to a chemical test **or an evaluation thereof conducted by a certified drug recognition expert or any portion thereof** pursuant to this section or has a prior conviction of any of the following offenses: any violation of section eleven hundred ninety-two of this article; any violation of subdivision one or two of section six hundred of this chapter; or has a prior conviction of any felony involving the use of a motor vehicle pursuant to paragraph

(a) of subdivision one of section five hundred ten-a of this chapter. Provided that the commissioner may waive such permanent revocation after a period of ten years has expired from such revocation provided:

(i) that during such ten year period such person has not been found to have refused a chemical test **or an evaluation conducted by a certified drug recognition expert or any portion thereof** pursuant to this section and has not been convicted of any one of the following offenses: any violation of section eleven hundred ninety-two of this article; refusal to submit to a chemical test **or an evaluation conducted by a certified drug recognition expert or any portion thereof** pursuant to this section; any violation of subdivision one or two of section six hundred of this chapter; or has a prior conviction of any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of section five hundred ten-a of this chapter;

(ii) that such person provides acceptable documentation to the commissioner that such person is not in need of alcohol or drug treatment or has satisfactorily completed a prescribed course of such treatment; and

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law by the court in which such person was last penalized.

d. Upon a third finding of refusal and/or conviction of any of the offenses which require a permanent commercial driver's license revocation, such permanent revocation may not be waived by the commissioner under any circumstances.

(2) Civil penalties. Except as otherwise provided, any person whose license, permit to drive, or any non-resident operating privilege is revoked pursuant to the provisions of this section shall also be liable for a civil penalty in the amount of five hundred dollars except that if such revocation is a second or subsequent revocation pursuant to this section issued within a five year period, or such person has been convicted of a violation of any subdivision of section eleven hundred ninety-two of this article within the past five years not arising out of the same incident, the civil penalty shall be in the amount of seven hundred fifty dollars. Any person whose license is revoked pursuant to the provisions of this section based upon a finding of refusal to submit to a chemical test **or an evaluation conducted by a certified drug recognition expert or any portion thereof** while operating a commercial motor vehicle shall also be liable for a civil penalty of five hundred fifty dollars except that if such person has previously been found to have refused a chemical test **or an evaluation conducted by a certified drug recognition expert or any portion thereof** pursuant to this section while operating a commercial motor vehicle or has a prior conviction of any of the following offenses while operating a commercial motor vehicle: any violation of section eleven hundred ninety-two of this article; any violation of subdivision two of section six hundred of this chapter; or has a prior conviction of any felony involving the use of a commercial motor vehicle pursuant to paragraph (a) of subdivision one of section five hundred ten-a of this chapter, then the civil penalty shall be seven hundred fifty dollars. No new driver's license or permit shall be issued, or non-resident operating privilege restored to such person unless such penalty has been paid. All penalties collected by the department pursuant to the provisions of this section shall be the property of the state and shall be paid into the general fund of the state treasury.

(3) Effect of rehabilitation program. No period of revocation arising out of this section may be set aside by the commissioner for the reason that such person was a participant in the alcohol and drug rehabilitation program set forth in section eleven hundred ninety-six of this article.

(e) Regulations. The commissioner shall promulgate such rules and regulations as may be necessary to effectuate the provisions of subdivisions one and two of this section.

(f) Evidence. Evidence of a refusal to submit to such chemical test or any portion thereof **or an evaluation conducted by a certified drug recognition expert or any portion thereof** shall be admissible in any trial, proceeding or hearing based upon a violation of the provisions of section eleven hundred ninety-two of this article but only upon a showing that the person was given sufficient warning, in clear and unequivocal language, of the effect of such refusal and that the person persisted in the refusal. **Evidence of a refusal shall be admissible pursuant to this section regardless of the time of the refusal.**

(g) Results. Upon the request of the person who was tested, the results of such test shall be made available to such person.

3. Compulsory chemical tests. (a) Court ordered chemical tests. Notwithstanding the provisions of subdivision two of this section, no person who operates a motor vehicle in this state may refuse to submit to a chemical test of one or more of the following: breath, blood, urine or [~~saliva~~] **oral/bodily fluids**, for the purpose of determining the alcoholic and/or drug content of the blood **or oral/bodily fluids** when a court order for such chemical test has been issued in accordance with the provisions of this subdivision.

(b) When authorized. Upon refusal by any person to submit to a chemical test or any portion thereof as described above, the test shall not be given unless a police officer or a district attorney, as defined in subdivision thirty-two of section 1.20 of the criminal procedure law, requests and obtains a court order to compel a person to submit to a chemical test to determine the alcoholic or drug content of the person's blood **or oral/bodily fluids** upon a finding of reasonable cause to believe that:

(1) such person was the operator of a motor vehicle and in the course of such operation [~~a person other than the operator was killed or suffered serious physical injury as defined in section 10.00 of the penal law~~] **the motor vehicle was involved in a crash; or personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person; or such person has a previous conviction for a violation of any subdivision of section eleven hundred ninety-two of this article**; and

(2) a. either such person operated the vehicle in violation of any subdivision of section eleven hundred ninety-two of this article, or

b. a breath **test or oral/bodily fluid** test administered by a police officer in accordance with paragraph (b) of subdivision one of this section indicates that alcohol **or a drug or drugs** has been consumed by such person; and

(3) such person has been placed under lawful arrest; and

(4) such person has refused to submit to a chemical test **or any portion thereof or an evaluation conducted by a certified drug recognition expert,** or any portion thereof, requested in accordance with the provisions of paragraph (a) of subdivision two of this section or is unable to give consent to such a test.

(c) Reasonable cause; definition. For the purpose of this subdivision "reasonable cause" shall be determined by viewing the totality of circumstances surrounding the incident which, when taken together, indicate that the operator was driving in violation of section eleven hundred ninety-two of this article. Such circumstances may include, but are not limited to: evidence that the operator was operating a motor vehicle in violation of any provision of this article or any other moving violation at the time of the incident; any visible indication of alcohol or drug consumption or impairment by the operator; the existence of an open container containing an alcoholic beverage **or a drug or drugs** in or around the vehicle driven by the operator; **the odor of cannabis, burnt cannabis or other drug;** any other evidence surrounding the circumstances of the incident which indicates that the operator has been operating a motor vehicle while impaired by the consumption of alcohol or drugs or intoxicated at the time of the incident.

(d) Court order; procedure. (1) An application for a court order to compel submission to a chemical test or any portion thereof, may be made to any supreme court justice, county court judge or district court judge in the judicial district in which the incident occurred, or if the incident occurred in the city of New York before any supreme court justice or judge of the criminal court of the city of New York. Such application may be communicated by telephone, radio or other means of electronic communication, or in person.

(2) The applicant must provide identification by name and title and must state the purpose of the communication. Upon being advised that an application for a court order to compel submission to a chemical test is being made, the court shall place under oath the applicant and any other person providing information in support of the application as provided in subparagraph three of this paragraph. After being sworn the applicant must state that the person from whom the chemical test was requested was the operator of a motor vehicle and in the course of such operation [~~a person, other than the operator, has been killed or seriously injured~~] **the motor vehicle was involved in a crash; or personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person; or such person has a previous arrest for a violation of any subdivision of section eleven hundred ninety-two of this article;** and, based upon the totality of circumstances, there is reasonable cause to believe that such person was operating a motor vehicle in violation of any subdivision of section eleven hundred ninety-two of this article and, after being placed under lawful arrest such person refused to submit to a chemical test or any portion thereof, in accordance with the provisions of this section or is unable to give consent to such a test or any portion thereof. The applicant must make specific allegations of fact to support such statement. Any other person properly identified, may present sworn allegations of fact in support of the applicant's statement.

(3) Upon being advised that an oral application for a court order to compel a person to submit to a chemical test is being made, a judge or justice shall place under oath the applicant and any other person providing information in support of the application. Such oath or oaths and all of the remaining communication must be recorded, either by means of a voice recording device or verbatim stenographic or verbatim longhand notes. If a voice recording device is used or a stenographic record made, the judge must have the record transcribed, certify to the accuracy of the transcription and file the original record and transcription with the court within seventy-two hours of the issuance of the court

order. If the longhand notes are taken, the judge shall subscribe a copy and file it with the court within twenty-four hours of the issuance of the order.

(4) If the court is satisfied that the requirements for the issuance of a court order pursuant to the provisions of paragraph (b) of this subdivision have been met, it may grant the application and issue an order requiring the accused to submit to a chemical test to determine the alcoholic and/or drug content of [~~his~~] **their** blood [~~and~~] **or oral/bodily fluids and** ordering the withdrawal of a blood **or oral/bodily fluid** sample in accordance with the provisions of paragraph (a) of subdivision four of this section. When a judge or justice determines to issue an order to compel submission to a chemical test based on an oral application, the applicant therefor shall prepare the order in accordance with the instructions of the judge or justice. In all cases the order shall include the name of the issuing judge or justice, the name of the applicant, and the date and time it was issued. It must be signed by the judge or justice if issued in person, or by the applicant if issued orally.

(5) Any false statement by an applicant or any other person in support of an application for a court order shall subject such person to the offenses for perjury set forth in article two hundred ten of the penal law.

(6) The chief administrator of the courts shall establish a schedule to provide that a sufficient number of judges or justices will be available in each judicial district to hear oral applications for court orders as permitted by this section.

(e) Administration of compulsory chemical test. An order issued pursuant to the provisions of this subdivision shall require that a chemical test to determine the alcoholic and/or drug content of the operator's blood **or oral/bodily fluid** must be administered. The provisions of paragraphs (a), (b) and (c) of subdivision four of this section shall be applicable to any chemical test administered pursuant to this section.

§ 4. The subparagraph heading and clauses a and b of subparagraph 7 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as added by chapter 312 of the laws of 1994, clause a as amended by chapter 732 of the laws of 2006, and clause b as separately amended by chapters 3 and 571 of the laws of 2002, are amended to read as follows:

Suspension pending prosecution; excessive blood alcohol content **or impairment by a drug or drugs**. a. Except as provided in clause a-1 of this subparagraph, a court shall suspend a driver's license, pending prosecution, of any person charged with a violation of subdivision two, two-a, three**, four** or four-a of section eleven hundred ninety-two of this article who, at the time of arrest, is alleged to have had .08 of one percent or more by weight of alcohol in such driver's blood **or is alleged to have been impaired by the ingestion of a drug or drugs** as shown by chemical analysis of blood, breath, urine or [~~saliva~~] **oral/bodily fluid, or by an evaluation conducted by a certified drug recognition expert, or any portion thereof**, made pursuant to subdivision two or three of section eleven hundred ninety-four of this article**, or the driver makes a statement admitting to driving while intoxicated by alcohol or while impaired by a drug or drugs**.

b. The suspension occurring under clause a of this subparagraph shall occur no later than at the conclusion of all proceedings required for the arraignment and the suspension occurring under clause a-1 of this subparagraph shall occur immediately after the holder's first appearance

before the court on the charge which shall, whenever possible, be the next regularly scheduled session of the court after the arrest or at the conclusion of all proceedings required for the arraignment; provided, however, that if the results of any test administered pursuant to section eleven hundred ninety-four of this article are not available within such time period, the complainant police officer or other public servant shall transmit such results to the court at the time they become available, and the court shall, as soon as practicable following the receipt of such results and in compliance with the requirements of this subparagraph, suspend such license. In order for the court to impose such suspension it must find that the accusatory instrument conforms to the requirements of section 100.40 of the criminal procedure law and there exists reasonable cause to believe either that (a) the holder operated a motor vehicle while such holder had .08 of one percent or more by weight of alcohol **or was impaired by the ingestion of a drug or drugs** in [~~his or her~~] **their** blood as was shown by chemical analysis of such person's blood, breath, urine or [~~saliva~~] **oral/bodily fluid, or by an evaluation conducted by a certified drug recognition expert, or any portion thereof**, made pursuant to the provisions of section eleven hundred ninety-four of this article **or the driver makes a statement admitting to driving while intoxicated by alcohol or while impaired by a drug or drugs** or (b) the person was the holder of a class DJ or MJ learner's permit or a class DJ or MJ driver's license and operated a motor vehicle while such holder was in violation of subdivision one, two and/or three of section eleven hundred ninety-two of this article. At the time of such license suspension the holder shall be entitled to an opportunity to make a statement regarding these two issues and to present evidence tending to rebut the court's findings.

§ 5. This act shall take effect immediately.

## PART F

Section 1. Paragraph 2 of subdivision (a) of section 1642 of the vehicle and traffic law is amended to read as follows:

2. Parking, standing, stopping and backing of vehicles**, except in violation of subparagraph b of paragraph two of subdivision (a) of section twelve hundred two of this chapter where such violation occurs within one thousand feet of a school grounds, as defined in subdivision two of section four hundred nine of the education law, where such school grounds is a public, nonpublic, or charter elementary school serving students in any grade through grade five, provided that the intersection is adjacent to a city block where such school grounds is located**.

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

## PART G

Section 1. Subdivision (c) of section 102-c of the vehicle and traffic law, as added by section 1 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

(c) "Class three bicycle with electric assist." Solely within a city having a population of one million or more, a bicycle **weighing less than one-hundred pounds** with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

§ 2. Section 121-b of the vehicle and traffic law, as amended by chapter 160 of the laws of 1981, is amended to read as follows:

§ 121-b. Limited use motorcycle. **(a)** A limited use vehicle having only two or three wheels, with a seat or saddle for the operator. A limited use motorcycle having a maximum performance speed, of more than thirty miles per hour but not more than forty miles per hour shall be a class A limited use motorcycle. A limited use motorcycle having a maximum performance speed of more than twenty miles per hour but not more than thirty miles per hour, shall be a class B limited use motorcycle. A limited use motorcycle having a maximum performance speed of not more than twenty miles per hour shall be a class C limited use motorcycle.

**(b) A class three bicycle with electric assist as defined in subdivision (c) of section one hundred two-c of this article, weighing one-hundred pounds or more.**

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

PART H

Section 1. Subdivision (a) of section 1642 of the vehicle and traffic law is amended by adding a new paragraph 28 to read as follows:

**28. Establishment of maximum speed limits at which bicycles, bicycles with electric assist, electric scooters and other devices authorized or required to use bicycle lanes and bicycle paths may proceed in such bicycle lanes and bicycle paths, subject to any other speed limit applicable to any such device imposed by this chapter or any other law or rule; provided, however, that such speed limits established in bicycle lanes may be no higher than the speed limit established for vehicles using the same highway outside of a bicycle lane, and that such speed limits established in bicycle paths may be no higher than the speed limit established for vehicles using the same or adjacent highway to such bicycle path. Such speed limits may be applicable throughout such city, within designated areas of such city, or on designated bicycle lanes or bicycle paths, or portions thereof, within such city.**

§ 2. This act shall take effect immediately.

PART I

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part A of chapter 58 of the laws of 2024, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, [~~2025~~] **2035**, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. This act shall take effect immediately.

PART J

Section 1. Section 45 of chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation

authority, as amended by section 1 of part G of chapter 58 of the laws of 2023, is amended to read as follows:

§ 45. This act shall take effect immediately; except that: (a) paragraph (d) of subdivision 3 of section 1263 of the public authorities law, as added by section twenty-six of this act, shall be deemed to have been in full force and effect on and after August 5, 1986; (b) sections thirty-three and thirty-four of this act shall not apply to a certified or recognized public employee organization which represents any public employees described in subdivision 16 of section 1204 of the public authorities law and such sections shall expire on July 1, [~~2025~~] **2027** and nothing contained within these sections shall be construed to divest the public employment relations board or any court of competent jurisdiction of the full power or authority to enforce any order made by the board or such court prior to the effective date of this act; (c) the provisions of section thirty-five of this act shall expire on March 31, 1987; and (d) provided, however, the commissioner of taxation and finance shall have the power to enforce the provisions of sections two through nine of this act beyond December 31, 1990 to enable such commissioner to collect any liabilities incurred prior to January 1, 1991.

§ 2. This act shall take effect immediately.

PART K

Section 1. Paragraph (a) of subdivision 12-a of section 1266 of the public authorities law, as added by section 2 of part VVV of chapter 58 of the laws of 2020, is amended to read as follows:

(a) Whenever the authority determines in consultation with the city of New York that it is necessary to obtain the temporary or permanent use, occupancy, control or possession of vacant or undeveloped or underutilized but replaceable real property, or any interest therein, or subsurface real property or any interest therein then owned by the city of New York for a project in [~~the two thousand fifteen to two thousand nineteen or the two thousand twenty to two thousand twenty-four approved capital programs to (i) install one or more elevators to make one or more subway stations more accessible, (ii) construct or reconstruct an electrical substation to increase available power to the subway system to expand passenger capacity or reliability, or (iii) in connection with the capital project to construct four commuter railroad passengers stations in the borough of the Bronx known as Penn Station access~~] **a capital program approved pursuant to section twelve hundred sixty-nine-b of this title**, the authority upon approval by the board of the metropolitan transportation authority and upon suitable notice and with the consent of the city of New York may cause the title to such real property, or any interest therein, to be transferred to the authority by adding it to the agreement of lease dated June first, nineteen hundred fifty-three, as amended, renewed and supplemented, authorized by section twelve hundred three of this article, or may itself acquire title to such property from the city of New York, and any such transfer or acquisition of real property shall be subject to the provisions of subdivision five of section twelve hundred sixty-six-c of this title. Nothing in this subdivision shall be deemed to authorize any temporary or permanent transfer or acquisition of real property, or interest therein, that is dedicated parkland without separate legislative approval of such alienation.

§ 2. Section 3 of part VVV of chapter 58 of the laws of 2020 amending the public authorities law relating to acquisitions or transfers of property for transit projects is amended to read as follows:

§ 3. This act shall take effect immediately and shall expire and be deemed repealed on December 31, [~~2025~~] 2030; provided, however, that the repeal of this act shall not affect any transfer or acquisition pursuant to all of the terms of section two of this act that has been approved by the board of the metropolitan transportation authority before such repeal date.

§ 3. This act shall take effect immediately; provided however that the amendments to paragraph (a) of subdivision 12-a of section 1266 of the public authorities law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.

PART L

Section 1. Section 5 of part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, is amended by adding a new subdivision (c) to read as follows:

(c) Notwithstanding subdivisions (a) and (b) of this section, starting July first, two thousand twenty-five, the city will fund eighty percent of the net paratransit operating expenses of the MTA, provided that such contribution shall not exceed, for each twelve-month period ending June thirtieth, the sum of: (i) fifty percent of the net paratransit operating expenses and (ii) one hundred sixty-five million dollars. Net paratransit operating expenses shall be calculated monthly by the MTA and will consist of the total paratransit operating expenses of the program minus the six percent of the urban tax dedicated to paratransit services as of the effective date of this subdivision and minus any money collected as passenger fares from paratransit operations.

§ 2. Section 9 of part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, as amended by section 3 of part D of chapter 58 of the laws of 2023, is amended to read as follows:

§ 9. This act shall take effect immediately[~~; provided that sections five through seven of this act shall expire and be deemed repealed June 30, 2030; and provided further that such repeal shall not affect or otherwise reduce amounts owed to the metropolitan transportation authority paratransit assistance fund to meet the city's share of the net paratransit operating expenses of the MTA for services provided prior to June 30, 2030~~].

§ 3. This act shall take effect immediately.

PART M

Section 1. This act commits the state of New York and the city of New York ("city") to fund, over a multi-year period, $6,000,000,000 in capital costs related to projects contained in the Metropolitan Transportation Authority ("MTA") 2025-2029 capital program ("capital program"). The state share of $3,000,000,000 and the city share of $3,000,000,000 shall be provided to pay the capital costs of the capital program. The funds committed by the state and city shall be provided concurrently, and in proportion to the respective shares of each, in accordance with the funding needs of the capital program.

§ 2. (a) No funds dedicated for operating assistance of the MTA shall be used to reduce or supplant the commitment of the state or city to provide $6,000,000,000 pursuant to section one of this act.

(b) The city and state's share of funds provided concurrently pursuant to section one of this act shall be scheduled and paid to the MTA on a schedule to be determined by the state director of the budget. In order to determine the adequacy and pace of the level of state and city funding in support of the MTA's capital program, and to gauge the availability of MTA capital resources planned for the capital program, the director of the budget and the city may request, and the MTA shall provide, periodic reports on the MTA's capital programs and financial activities. The city shall certify to the state comptroller and the New York state director of the budget, no later than seven days after making each payment pursuant to this section, the amount of the payments and the date upon which such payments were made.

§ 3. (a) Notwithstanding any provision of law to the contrary, in the event the city fails to certify to the state comptroller and the New York state director of the budget that the city has paid in full any concurrent payment required by section two of this act, the New York state director of the budget shall direct the state comptroller to transfer, collect, or deposit funds in accordance with subdivision (b) of this section in an amount equal to the unpaid balance of any payment required by section two of this act, provided that any such deposits shall be counted against the city share of the Metropolitan Transportation Authority (MTA) 2025-2029 capital program (capital program) pursuant to section one of this act. Such direction shall be pursuant to a written plan or plans filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

(b) Notwithstanding any provision of law to the contrary and as set forth in a plan or plans submitted by the New York state director of the budget pursuant to subdivision (a) of this section, the state comptroller is hereby directed and authorized to: (i) transfer funds authorized by any undisbursed general fund aid to localities appropriations or state special revenue fund aid to localities appropriations, excluding debt service, fiduciary, and federal fund appropriations, to the city to the Metropolitan Transportation Authority capital assistance fund established by section 92-ii of the state finance law in accordance with such plan; and/or (ii) collect and deposit into the Metropolitan Transportation Authority capital assistance fund established by section 92-ii of the state finance law funds from any other revenue source of the city, including the sales and use tax, in accordance with such plan. The state comptroller is hereby authorized and directed to make such transfers, collections and deposits as soon as practicable but not more than 3 days following the transmittal of such plan to the comptroller in accordance with subdivision (a) of this section.

(c) Notwithstanding any provision of law to the contrary, the state's obligation and/or liability to fund any program included in general fund aid to localities appropriations or state special revenue fund aid to localities appropriations from which funds are transferred pursuant to subdivision (b) of this section shall be reduced in an amount equal to such transfer or transfers.

§ 4. Subdivisions 2 and 3 of section 92-ii of the state finance law, as added by section 4 of part UUU of chapter 58 of the laws of 2020, are amended to read as follows:

2. Such fund shall consist of any monies directed thereto pursuant to the provisions of section three of [~~the~~] part UUU of [~~the~~] chapter fifty-eight of the laws of two thousand twenty [~~which added this section~~] and to the provisions of section three of the part of the chapter of the laws of two thousand twenty-five which amended this subdivision.

3. All monies deposited into the fund pursuant to [~~the~~] part UUU of [~~the~~] chapter fifty-eight of the laws of two thousand twenty [~~which added this section~~] and the part of the chapter of the laws of two thousand twenty-five which amended this subdivision shall be paid to the metropolitan transportation authority by the comptroller, without appropriation, for use in the same manner as the payments required by section two of such part, as soon as practicable but not more than five days from the date the comptroller determines that the full amount of the unpaid balance of any payment required by section three of part UUU of chapter fifty-eight of the laws of two thousand twenty and by section three of such part of the chapter of the laws of two thousand twenty-five which amended this subdivision has been deposited into the fund.

§ 5. This act shall take effect immediately.

## PART N

Section 1. The vehicle and traffic law is amended by adding a new section 385-b to read as follows:

§ 385-b. Owner liability for failure of operator to comply with weight restrictions on a covered agency and authority's facilities. 1. (a) Notwithstanding any other provision of law, a covered agency or authority may establish a weigh-in-motion program on its facilities imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with gross vehicle weight and/or axle weight restrictions on such facilities in accordance with the provisions of this section. Such program shall empower the covered agency or authority to install and operate weigh-in-motion violation monitoring systems on its facilities. Such systems may be activated at locations on such portion of its facilities as determined by the covered agency or authority. A covered agency or authority may enter into a memorandum of agreement with another covered agency or authority for the purposes of coordinating the planning, design, installation, operation, construction and maintenance of such weigh-in-motion program. Such memorandum shall address, for purposes of such program, the use of systems, devices and other facilities owned and operated by the other covered agency or authority.

(b) No weigh-in-motion violation monitoring system shall be used unless: (i) on the day it is to be used it has undergone a self-test for the operation of such system; and (ii) it has undergone an annual calibration check performed pursuant to paragraph (c) of this subdivision. A result of the daily self-test for each such system shall include the date and time that the self-test was successfully performed. The covered agency or authority shall retain each such daily self-test until the later of the date on which the weigh-in-motion system to which it applies has been permanently removed from use or the final resolution of all cases involving notices of liability issued based on photographs, microphotographs, video or other recorded images, and information and data generated in conjunction therewith, produced by such system.

(c) Each weigh-in-motion violation monitoring system shall undergo a calibration check every twelve months in accordance with specifications

prescribed pursuant to a memorandum of agreement between the covered agency or authority and the New York state department of agriculture and markets, or in accordance with an applicable reference standard as determined by the covered agency or authority. Such calibration check shall be performed by an independent calibration laboratory, which shall issue a signed certificate of calibration on its letterhead to the covered agency or authority. Nothing contained in this paragraph shall be deemed to require the signature of a notary public on such certificate. The covered agency or authority shall retain each such annual certificate of calibration on file until the final resolution of all cases involving notices of liability issued during such twelve-month time period which were based on photographs, microphotographs, video or other recorded images, and information and data generated in conjunction therewith, produced by such weigh-in-motion violation monitoring system.

(d) The covered agency or authority shall monitor the system by evaluating information and data collected from sensor readings of each weigh-in-motion violation monitoring system. The covered agency or authority shall promulgate rules for monitoring collected data, responding to system alerts, and establishing a protocol for action which may include recertification.

(e) Weigh-in-motion violation monitoring systems used in accordance with the weigh-in-motion program authorized pursuant to this section shall be operated only on the covered agency or authority's facilities or on another agency or authority's facilities if agreed upon in a memorandum of agreement.

(f) (i) No photograph, microphotograph, videotape or other recorded image, nor any information and data generated in conjunction therewith, shall be used for any purpose other than as specified in this section, except as may be otherwise provided by this paragraph. Notwithstanding the above, all information and data from weigh-in-motion violation monitoring systems may be shared among covered agencies and authorities for the purposes of monitoring impacts to a covered agency or authority's facilities and for reporting purposes.

(ii) Such program shall utilize necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such weigh-in-motion violation monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of vehicles where the covered agency or authority shows that it made reasonable efforts to comply with the provisions of this paragraph in such case.

(iii) Photographs, microphotographs, videotape or any other recorded image, and any information and data generated in conjunction therewith, produced by a weigh-in-motion violation monitoring system shall be for the exclusive use of the covered agency or authority, or by use of another covered agency or authority adjudicating on behalf of a covered agency, for the purpose of the adjudication of liability imposed pursuant to this section, and of the owner receiving a notice of liability pursuant to this section, and as required by the covered agency or authority to study the impact of overweight vehicles on its facilities and management of such facilities, and shall be destroyed by the covered agency or authority, or another covered agency or authority where applicable, upon the final resolution of the notice of liability to which

such photographs, microphotographs, videotape or other recorded images and information and data generated in conjunction therewith relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image, and information and data generated in conjunction therewith, from a weigh-in-motion violation monitoring system shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images, and information and data generated in conjunction therewith, from such systems:

(A) shall be available for inspection and copying and use by the motor vehicle owner and operator for so long as such photographs, microphotographs, videotape or other recorded images, information and data are required to be maintained or are maintained by such public entity, employee, officer or agent; and

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

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

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

(iv) The covered agency or authority shall install signage in advance of locations where weigh-in-motion violation monitoring systems are in operation giving notice to approaching motor vehicle operators that weigh-in-motion violation monitoring systems are in use to enforce motor vehicle weight restrictions.

(v) The covered agency or authority shall use oversight procedures to ensure compliance with the aforementioned privacy protection measures.

2. If the covered agency or authority establishes a program pursuant to subdivision one of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, on the covered agency's or authority's facilities in violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight, where such vehicle was traveling ten percent or more above the gross vehicle weight or twenty percent or more above the axle weight at the time of such violation as indicated by at least two independently detected gross vehicle weight and/or axle weight measurements obtained by a weigh-in-motion violation monitoring system, and such violation is evidenced by information obtained from a weigh-in-motion violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle: has been convicted of the underlying violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight; or operated such vehicle in accordance with the terms and conditions of any overweight permit issued in accordance with this chapter and any rules and regulations promulgated thereto. Where a vehicle is in violation of both gross vehicle weight restrictions and axle weight restrictions, the owner shall be liable for a separate penalty for each such violation.

3. For purposes of this section, the following terms shall have the following meanings:

(a) "covered agency or authority" shall mean: (i) the department of transportation established pursuant to article two of the transportation law; (ii) the Triborough bridge and tunnel authority established pursuant to title three of article three of the public authorities law; (iii) the state bridge authority established pursuant to title two of article three of the public authorities law; (iv) the port authority of New York and New Jersey established pursuant to chapter one hundred fifty-four of the laws of nineteen hundred twenty-one; (v) the New York city department of transportation; and (vi) the New York state thruway authority established pursuant to title nine of article two of the public authorities law;

(b) "owner" shall have the meaning provided in section two hundred thirty-nine of this chapter;

(c) "weigh-in-motion violation monitoring system" shall mean sensors, capable of operating independently of an enforcement officer, installed to work in conjunction with other devices to capture and record the gross vehicle weight and the axle weight of a motor vehicle, which produce at least two independently detected gross vehicle weight and/or axle weight measurements and automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight, in accordance with the provisions of this section;

(d) "weigh-in-motion program" shall mean the program authorized by this section that operates exclusively on covered agency or authority facilities;

(e) "covered agency or authority facilities" shall mean those sites including but not limited to roadways, bridges, and highways owned, operated and maintained by a covered agency or authority; and

(f) "rules and regulations of a covered agency or authority" shall mean rules and regulations of an agency or authority described in paragraph a of this subdivision.

4. A certificate, sworn to or affirmed by a technician employed by a covered agency or authority or its agent, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images, and information and data generated in conjunction therewith, produced by a weigh-in-motion violation monitoring system, shall be prima facie evidence of the facts contained therein. Nothing contained in this subdivision shall be deemed to require the signature of a notary public on such certificate. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include an image of the motor vehicle alleged to be in violation and the information and data generated in conjunction therewith and shall be available for inspection reasonably in advance of and at any proceeding to adjudicate the liability for such violation pursuant to this section.

5. An owner liable for a violation of section three hundred eighty-five of this article and the rules and regulations of a covered agency or authority pursuant to a weigh-in-motion program established pursuant to this section shall be liable for monetary penalties in accordance with separate schedules of fines and penalties to be promulgated by a covered agency or authority for a violation of section three hundred eighty-five of this article and the rules and regulations of a covered agency or authority in relation to gross vehicle weight and/or axle weight. The liability of the owner pursuant to this section shall not exceed three thousand seven hundred fifty dollars for each violation or as otherwise provided for in section three hundred eighty-five of this article, whichever is higher.

6. An imposition of liability under the weigh-in-motion program established pursuant to this section shall not be deemed a conviction for an operator.

7. (a) A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of section three hundred eighty-five of this article and the rules and regulations of a covered agency or authority in relation to gross vehicle weight and/or axle weight pursuant to this section, within fourteen business days if such owner is a resident of this state and within forty-five business days if such owner is a non-resident. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

(b) A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of section three hundred eighty-five of this article and the rules and regulations of a covered agency or authority in relation to gross vehicle weight and/or axle weight pursuant to this section, the registration number of the vehicle involved in such violation, the gross vehicle weight and/or axle weight measured, the location where such violation took place, the date and time of such violation, the identification number of the weigh-in-motion violation monitoring system which recorded the violation or other document locator number, one or more date and time stamped images iden-

tifying the motor vehicle and the information and data evidencing the alleged violation, and the certificate charging the liability.

(c) The notice of liability shall contain information advising the person charged of the manner and the time in which they may contest the liability alleged in the notice. Such notice of liability shall also contain a prominent warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(d) The notice of liability shall be prepared and mailed by the covered agency or authority, or by any other entity authorized by the covered agency or authority to prepare and mail such notice of liability.

8. Adjudication of the liability imposed upon owners pursuant to this section shall be by the covered agency or authority, or by any other government entity authorized by the covered agency or authority to adjudicate such liability. If such entity is the New York city parking violations bureau, such liability imposed pursuant to this section may only occur within the city of New York.

9. If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle or the number plate or plates of such vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight pursuant to this section that the vehicle or the number plate or plates of such vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle or number plate or plates of such vehicle be sent by first class mail to the covered agency or authority.

10. (a) An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision seven of this section shall not be liable for the violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight pursuant to this section, provided that:

(i) prior to the violation, the lessor has filed the rental, lease or other contract document with the name and address of the lessee with the covered agency or authority in accordance with the provisions of subdivision ten of section twenty-nine hundred eighty-five of the public authorities law or section two hundred thirty-nine of this chapter, as applicable; and

(ii) within thirty-seven days after receiving notice from the covered agency or authority of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to such covered agency or authority the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the covered agency or authority pursuant to regulations that may be promulgated for such purpose.

(b) Failure to comply with subparagraph (ii) of paragraph (a) of this subdivision shall render the lessor liable for the penalty prescribed in this section.

(c) Where the lessor complies with the provisions of paragraph (a) of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision seven of this section.

11. (a) If the owner liable for a violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

(b) Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator operated such vehicle in violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator operated such vehicle in violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight.

12. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight.

13. It shall be a defense to any prosecution for a violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight pursuant to this section that such weigh-in-motion violation monitoring system was malfunctioning at the time of the alleged violation.

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

(v) are photographs, microphotographs, videotape or other recorded images or information and data prepared under authority of section three hundred eighty-five-b of the vehicle and traffic law.

§ 3. A covered agency or authority shall: (i) prior to implementing a weigh-in-motion program as authorized by section 385-b of the vehicle and traffic law, as added by section one of this act, communicate to the public the plan for the use of vehicle weigh-in-motion violation monitoring systems to enforce vehicle weight restrictions so as to maximize awareness of such program; (ii) during the first 60-day period in which weigh-in-motion violation monitoring systems are in operation pursuant to the provisions of this act send by first class mail a written warning in lieu of a notice of liability to all owners of motor vehicles who would be held liable for failure of operators thereof to comply with section 385-b of the vehicle and traffic law in relation to gross vehicle weight and/or axle weight, together with notice of the weigh-in-motion program authorized by section 385-b of the vehicle and traffic law; and (iii) take such measures as are necessary to implement such program

prior to its implementation, including promulgating any rules and regulations necessary for the implementation of this act.

§ 4. The purchase or lease of equipment for a demonstration program pursuant to section 385-b of the vehicle and traffic law shall be subject to the provisions of section 103 of the general municipal law.

§ 5. This act shall take effect immediately.

PART O

Section 1. Paragraph 3 of subdivision (d) of section 1111-c-1 of the vehicle and traffic law, as added by section 1 of part MM of chapter 56 of the laws of 2023, is amended to read as follows:

3. "bus operation-related traffic regulations" shall mean the following provisions set forth in chapter four of title thirty-four of the rules of the city of New York, adopted pursuant to section sixteen hundred forty-two of this chapter: 4-08(c)(3), violation of posted no standing rules prohibited-bus stop; 4-08(e)(9), general no stopping zones-bicycle lanes; 4-08(f)(1), general no standing zones-double parking; [~~and~~] 4-08(f)(4), general no standing zones-bus lane**; 4-08(e)(12), obstructing traffic at intersection; and section eleven hundred seventy-five of this title**.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 1111-c-1 of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART P

Section 1. The vehicle and traffic law is amended by adding a new article 44-D to read as follows:

**ARTICLE 44-D**

**AUTHORITY FOR IMPOSITION OF SURCHARGE ON A PERMIT ISSUED FOR OBSTRUCTING OR CLOSING THE STREET FOR CONSTRUCTION PURPOSES**

**Section 1711. Definitions.**
**1712. Establishment of surcharge for obstruction or closure of a street for construction activity.**
**1713. Application and exemptions.**
**1714. Administration and collection of surcharge.**
**1715. Limitations on assessment of surcharge.**
**1716. Judicial review.**

**§ 1711. Definitions. As used in this article: 1. "Affordable housing unit" means a residential dwelling unit that must be affordable to residents at or below a specific income level, provided that such level does not exceed one hundred sixty-five percent of the area median income, pursuant to statute, regulation, restrictive covenant or declaration, or pursuant to a regulatory agreement with a federal, state, or local government entity, public benefit corporation, or public housing authority.**

**2. "Area median income" means the income limits as defined annually by the U.S. Department of Housing and Urban Development (HUD) for the New York, NY HUD Metro FMR Area (HMFA), as established in section three of the Housing Act of nineteen hundred thirty-seven, as amended.**

**3. "Dwelling unit" has the meaning ascribed to such term in the housing maintenance code.**

**4. "Full obstruction" means the occupation of the entire length of a curb lane, vehicular travel lane, or sidewalk for construction-related**

activity where there is a permit issued to close such length to motor vehicles, pedestrians, or bicyclists.

5. "Partial obstruction" means the occupation of all or a portion of a length of a sidewalk for construction-related activity where there is a permit issued to provide a temporary pedestrian pathway, either in the curb lane, on the sidewalk, or within the building envelope of an adjacent structure.

6. "Pedestrian plaza" means an area designated by the department of transportation in the city of New York for pedestrian circulation, use and enjoyment on property under the jurisdiction of such department including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.

7. "Person" means a natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.

§ 1712. Establishment of surcharge for obstruction or closure of a street for construction activity. 1. Notwithstanding the provisions of any law to the contrary, every city having a population of one million or more, acting through its local legislative body, is hereby authorized and empowered to adopt, amend or repeal local laws imposing a surcharge within its territorial limits on the issuance of any permit relating to the obstruction or closure of a street or pedestrian plaza for the purpose of construction required for:

(a) Placing construction material on a street during working hours;

(b) Placing construction equipment other than cranes or derricks on a street during working hours;

(c) Temporarily closing a sidewalk;

(d) Constructing a temporary pedestrian walk in a roadway;

(e) Temporarily closing a roadway;

(f) Placing a shanty or trailer on a street;

(g) Crossing a sidewalk;

(h) Placing a crane or derrick on a street during working hours;

(i) Storing construction material on a street during non-working hours;

(j) Storing construction equipment on a street during non-working hours; or

(k) Other construction activity that requires the issuance of a permit by the department of transportation in a city having a population of one million or more for the obstruction or closure of a street or pedestrian plaza.

2. The rate of such surcharge shall be imposed based on a schedule that takes into consideration the geographical zone in which the permit is issued and in no case shall be:

(a) For a permit for the partial obstruction of a sidewalk, less than fifty cents or more than fifty dollars for up to and including ten linear feet of sidewalk per day;

(b) For a permit for the full obstruction of a sidewalk, less than twenty dollars or more than one thousand dollars for up to and including one hundred linear feet of sidewalk per day;

(c) For a permit for the full obstruction of a curb lane, less than ten dollars or more than one hundred dollars for up to and including ten linear feet of curb lane per day;

(d) For a permit for the full obstruction of a vehicular travel lane, less than two hundred dollars or more than two thousand dollars for up

to and including one hundred linear feet of vehicular travel lane per day; and

(e) For a permit for the full obstruction of any portion of a pedestrian plaza, less than ten cents or more than one dollar and twenty-five cents for up to and including ten square feet of pedestrian plaza per day.

3. Any local law enacted pursuant to this article may authorize a reduction of the surcharge imposed for the initial three hundred sixty-five days for which a permit has been issued, at a rate no more than:

(a) sixty percent of the surcharge due for days one through ninety; and

(b) forty percent of the surcharge due for days ninety-one through three hundred sixty-five.

4. Any local law enacted pursuant to this article may authorize a reduction of the surcharge imposed to the extent a permit is issued for construction relating to the creation or preservation of affordable housing units. Such reduction shall be in proportion to the percentage of affordable housing units created or preserved.

§ 1713. Application and exemptions. 1. Surcharge to be in addition to monies owed. Any surcharge imposed under the authority of this article shall be in addition to any and all other fees or taxes authorized or imposed under any other provision of law. This article shall not be construed as limiting the power of any city, county or school district to impose any other fee or tax which it is authorized to impose under any other provision of law.

2. Any local law enacted pursuant to this article shall exempt from the surcharge authorized herein any permit issued to:

(a) The state of New York, or any of its agencies, instrumentalities, public corporations or political subdivisions where it is the permittee;

(b) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the permittee; or

(c) Any person where the construction for which such permit is issued relates to the creation or preservation of affordable housing units; provided that such affordable housing units constitute no less than fifty percent of the total number of dwelling units created or preserved by such construction.

§ 1714. Administration and collection of surcharge. 1. The surcharge authorized by section seventeen hundred twelve of this article shall be administered and collected in such manner as may be provided in local laws with such amendments in respect to administration and collection as may be enacted, including through the commencement of actions and issuance of tax warrants in a manner consistent with the commencement of actions and issuance of warrants pursuant to subdivisions a, b and d of section 11-1614 of the administrative code of the city of New York.

2. Any local law enacted pursuant to this article shall require that the surcharge be paid to the agency issuing the permit prior to the issuance or renewal of such permit for the term of such permit, in a form and manner determined by such agency.

3. Such surcharge shall not be refundable except where a reduction for such surcharge is authorized pursuant to subdivision four of section seventeen hundred twelve of this article and an application for such reduction is filed with the department of transportation no later than: (a) eighteen months after execution of: (i) an agreement with a federal, state or local government entity, public benefit corporation or public housing authority, relating to the creation or preservation of afforda-

ble housing units; or (ii) a similar instrument; or (b) eighteen months after payment of such surcharge.

§ 1715. Limitations on assessment of surcharge. Except in the case of a willfully false or fraudulent permit application with intent to evade the surcharge authorized by the provisions of this article, no assessment of additional surcharge shall be made with respect to the surcharge imposed under the authority of this article, after the expiration of more than three years from the date of the permit application or renewal thereof, provided, however, that where no such application has been filed, or where there has been a change relating to the use of the street or pedestrian plaza for which a permit has been issued that would increase the amount of surcharge liability, as provided by law, the surcharge may be assessed at any time. Where a person subject to the surcharge authorized by the provisions of this article makes a change or correction to a permit that has been issued, as provided by law, an assessment may be made at any time within two years after the application for such permit was filed. Any local law enacted pursuant to this article shall authorize enforcement remedies, including but not limited to the imposition of civil penalties in an amount no greater than ten percent of such surcharge where a person subject to the surcharge authorized by the provisions of this article fails to pay such surcharge by failing to submit the required permit application.

§ 1716. Judicial review. Any final determination of the amount of any surcharge payable under this article shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within four months after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted by a person liable for such surcharge unless: 1. the amount of any surcharge sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of financial services of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or surcharge confirmed such liable person will pay all costs and charges which may accrue in the prosecution of such proceeding; or 2. at the option of such liable person, such undertaking may be in a sum sufficient to cover the surcharge, interest and penalties stated in such determination, plus the costs and charges which may accrue against such liable person in the prosecution of the proceeding, in which event the liable person shall not be required to pay such surcharge, interest or penalties as a condition precedent to the application.

§ 2. Title 11 of the administrative code of the city of New York is amended by adding a new chapter 32 to read as follows:

CHAPTER 32

SURCHARGE ON ISSUANCE OF A PERMIT FOR OBSTRUCTING OR CLOSING THE STREET FOR CONSTRUCTION PURPOSES

Section 11-3200 Applicability.
11-3201 Definitions.
11-3202 Surcharge for permit to obstruct or close the street for construction-related purposes.
11-3203 General powers of the commissioner of transportation.

11-3204 Presumption and burden of proof; payment of surcharge.
11-3205 Records to be kept.
11-3206 Exemptions.
11-3207 Determination of surcharge.
11-3208 Remedies exclusive.
11-3209 Proceedings to recover surcharge.
11-3210 Penalties and interest.
11-3211 Notices and limitations of time.

§ 11-3200 Applicability. The provisions of this chapter shall only apply during any period in which a local law implementing article forty-four-D of the vehicle and traffic law is not in effect, except that any provision of this chapter relating to the collection, administration, or enforcement of a surcharge imposed pursuant to this chapter shall continue to be in effect during such period as it relates to such surcharge.

§ 11-3201 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

(a) Affordable housing unit. The term "affordable housing unit" means a residential dwelling unit that must be affordable to residents at or below a specific income level, provided that such level does not exceed one hundred sixty-five percent of the area median income, pursuant to statute, regulation, restrictive covenant or declaration, or pursuant to a regulatory agreement with a federal, state, or local government entity, public benefit corporation or public housing authority.

(b) Area median income. The term "area median income" means the income limits as defined annually by the U.S. Department of Housing and Urban Development (HUD) for the New York, NY HUD Metro FMR Area (HMFA), as established in section three of the Housing Act of nineteen hundred thirty-seven, as amended.

(c) Central business district. The term "central business district" means the geographic area of the borough of Manhattan south of and inclusive of sixtieth street.

(d) Construction permit. The term "construction permit" means a permit issued by the department of transportation relating to the obstruction or closure of a street or pedestrian plaza for the purpose of construction that is required for:

(1) Placing construction material on a street during working hours;

(2) Placing construction equipment other than cranes or derricks on a street during working hours;

(3) Temporarily closing a sidewalk;

(4) Constructing a temporary pedestrian walk in a roadway;

(5) Temporarily closing a roadway;

(6) Placing a shanty or trailer on a street;

(7) Crossing a sidewalk;

(8) Placing a crane or derrick on a street during working hours;

(9) Storing construction material on a street during non-working hours;

(10) Storing construction equipment on a street during non-working hours; or

(11) Other construction activity that requires the issuance of a permit by the department of transportation for the obstruction or closure of a street or pedestrian plaza.

(e) Dwelling unit. The term "dwelling unit" has the meaning ascribed to such term in the housing maintenance code.

(f) Full obstruction. The term "full obstruction" means the occupation of the entire length of a curb lane, vehicular travel lane, or sidewalk

for construction-related activity where there is a permit issued to close such length to motor vehicles, pedestrians, or bicyclists.

(g) Partial obstruction. The term "partial obstruction" means the occupation of all or a portion of a length of a sidewalk for construction-related activity where there is a permit issued to provide a temporary pedestrian pathway, either in the curb lane, on the sidewalk, or within the building envelope of an adjacent structure.

(h) Pedestrian plaza. The term "pedestrian plaza" means an area designated by the department of transportation as such for pedestrian circulation, use and enjoyment on property under the jurisdiction of the department including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.

(i) Roadway. The term "roadway" means that portion of a street designed, improved or ordinarily used for vehicular travel, exclusive of the shoulder and slope.

(j) Sidewalk. The term "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

§ 11-3202 Surcharge for permit to obstruct or close the street for construction-related purposes. (a) A surcharge is imposed on the issuance of any construction permit.

(b) The rate of such surcharge shall be: (1) For a construction permit for the partial obstruction of a sidewalk, five dollars for up to and including ten linear feet of sidewalk per day, except for in the central business district, where the rate shall be ten dollars for up to and including ten linear feet of sidewalk per day;

(2) For a construction permit for the full obstruction of a sidewalk, two hundred dollars for up to and including one hundred linear feet per day, except for in the central business district where the rate shall be four hundred dollars for up to and including one hundred linear feet per day;

(3) For a construction permit for the full obstruction of a curb lane, fifteen dollars for up to and including ten linear feet of curb lane per day, except for in the central business district where the rate shall be thirty-five dollars for up to and including ten linear feet per day;

(4) For a construction permit for the full obstruction of a vehicular travel lane, three hundred dollars for up to and including one hundred linear feet of vehicular travel lane per day, except for in the central business district where the rate shall be seven hundred dollars for up to and including one hundred linear feet of vehicular travel lane per day; and

(5) For a construction permit for the full obstruction of any portion of a pedestrian plaza, thirty cents for up to and including ten square feet of vehicular travel lane per day, except for in the central business district where the rate shall be sixty cents for up to and including ten square feet of pedestrian plaza per day.

(c) Such rate shall be reduced for the initial three hundred sixty-five days for which the construction permit has been issued as follows:

(1) sixty percent of the surcharge due for days one through ninety; and

(2) forty percent of the surcharge due for days ninety-one through three hundred sixty-five.

(d) Such rate shall be reduced in proportion to the percentage of affordable housing units created or preserved.

§ 11-3203 General powers of the commissioner of transportation. The commissioner of transportation is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations appropriate to the carrying out of this chapter and the purposes thereof;

(b) To prescribe methods for determining the construction permits issued or the length or area of street or pedestrian plaza obstructed;

(c) To require construction contractors, construction managers, design engineers, or other persons, as applicable, to maintain records with respect to streets and pedestrian plazas obstructed, and to furnish any information with respect thereto upon request to the commissioner of transportation;

(d) To assess, determine and readjust the surcharge imposed under this chapter;

(e) (1) To administer oaths and take affidavits, or to cause the employees or officers of the department of transportation to administer oaths and affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this chapter; and

(2) To subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of such commissioner's duties pursuant to this chapter and of the enforcement of this chapter and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before such commissioner or excused from attendance;

(f) To remit penalties but not interest; and to compromise disputed claims in connection with the surcharge hereby imposed; and

(g) To delegate the functions hereunder to an assistant commissioner or deputy commissioner of transportation or to any employee or employees of such commissioner.

§ 11-3204 Presumption and burden of proof; payment of surcharge. (a) If a street or pedestrian plaza is obstructed without the issuance of a valid construction permit, or if a street or pedestrian plaza is obstructed beyond the area or beyond the time period authorized in a construction permit, in a manner that would subject such obstruction to the surcharge described in section 11-3202 of this chapter, there shall be a rebuttable presumption that such obstruction is subject to the surcharge. If an obstruction is observed beyond the time period in which such obstruction was authorized in a construction permit, there shall be a rebuttable presumption that such obstruction occurred continuously until such observation. If an obstruction is observed beyond the area in which such obstruction was authorized in a construction permit, there shall be a rebuttable presumption that such obstruction occurred continuously from the point at which such construction permit authorized any obstruction. Such presumption shall prevail until the contrary is established and the burden of proving the contrary shall be upon the person to whom the construction permit is issued. Such surcharge shall be due against the person to whom the construction permit is issued, or if no such permit was issued, against the person creating such obstruction. Any person under contract with such person for the performance of work or other activity creating such obstruction shall also be liable for such surcharge.

(b) For the purpose of proper administration of this chapter and to prevent evasion of the surcharge authorized under this chapter, the surcharge authorized by this chapter shall be due prior to issuance of a

construction permit. The payment shall be made by the person to whom the construction permit is issued and shall be paid to the department of transportation in accordance with rules of such department.

(c) The surcharge shall not be refundable, except where a reduction for such surcharge is authorized pursuant to subdivision (d) of section 11-3202 of this chapter and an application for such reduction is filed with the department of transportation no later than: (1) eighteen months after execution of: (i) an agreement with a federal, state or local government entity, public benefit corporation, or public housing authority, relating to the creation or preservation of affordable housing units; or (ii) a similar instrument; or (2) eighteen months after payment of such surcharge.

§ 11-3205 Records to be kept. Every person to whom a construction permit has been issued shall keep records in such form and manner as the commissioner may by rule require. Such records shall be preserved for a period of three years from the date of issuance of such construction permit. Such records shall be available for inspection and examination upon demand by the commissioner of transportation or the commissioner's duly authorized agent or employee.

§ 11-3206 Exemptions. The surcharge imposed pursuant to the authority of section 11-3202 of this chapter shall not be imposed on any construction permit issued to:

(a) The state of New York, or any of its agencies; instrumentalities, public corporations or political subdivisions where it is the permittee;

(b) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the permittee; or

(c) Any person where the construction for which such permit is issued relates to the creation or preservation of affordable housing units provided that such affordable housing units constitute no less than fifty percent of the total number of dwelling units created or preserved by such construction.

§ 11-3207 Determination of surcharge. If a surcharge required by section 11-3202 of this chapter is not paid, or if the amount of the surcharge that is paid is incorrect or insufficient, the amount of surcharge due shall be determined by the commissioner of transportation from such information as may be obtainable, and, if necessary, such surcharge may be estimated on the basis of factors determined by the commissioner of transportation, in accordance with the presumptions set forth in subdivision (a) of section 11-3204 of this chapter. Notice of such determination shall be given to the person liable for the payment of the surcharge. Such determination shall finally and irrevocably fix the surcharge unless the person against whom it is assessed, within ninety days after giving notice of such determination, shall apply to the hearing officer at the department of transportation for a hearing, or unless the commissioner of transportation on their own motion shall redetermine the same. After such hearing, the commissioner of transportation's determination shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within four months after giving of the notice of such determination. A proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless: (a) the amount of any surcharge sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the commissioner of transportation and there shall be filed with the

commissioner of transportation an undertaking, issued by a surety company authorized to transact business in this state, and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the surcharge confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or (b) at the option of the applicant such undertaking filed with the commissioner of transportation may be in a sum sufficient to cover the surcharges, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such surcharges, penalties and interest as a condition precedent to the application.

§ 11-3208 Remedies exclusive. The remedies provided by section 11-3207 of this chapter shall be the exclusive remedy available to any person for the review of liability for the surcharge imposed by section 11-3202 of this chapter; and no determination or proposed determination of surcharge shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under article seventy-eight of the civil practice law and rules; provided, however, that such person may proceed by declaratory judgment if such person institutes suit within thirty days after a deficiency assessment is made and pays the amount of the deficiency assessment to the commissioner of transportation prior to the institution of such suit and posts a bond for costs as provided in section 11-3207 of this chapter.

§ 11-3209 Proceedings to recover surcharge. (a) Whenever any person to whom a construction permit has been issued fails to pay the correct and sufficient surcharge, penalty or interest imposed by this chapter as therein provided, the commissioner of transportation shall notify the commissioner of finance of all relevant records determined necessary by the commissioner of finance to facilitate collection of such surcharge. The corporation counsel shall, upon the request of the commissioner of finance bring or cause to be brought an action to enforce the payment of the same on behalf of the city of New York in any court of the state of New York or of any other state or of the United States. If, however, the commissioner of finance in their discretion believes that any such person is about to cease business, leave the state or remove or dissipate the assets out of which the surcharge, penalty or interest might be satisfied, and that any such surcharge, penalty or interest will not be paid when due, the commissioner of finance may declare such surcharge, penalty or interest to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the commissioner of finance may issue a warrant, directed to the city sheriff commanding the city sheriff to levy upon and sell the real and personal property of the person liable for the surcharge, which may be found within the city, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the commissioner of finance and to pay to the commissioner of finance the money collected by virtue thereof within sixty days after the receipt of such warrant. The city sheriff shall within five days after the receipt of the warrant file with the county clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person

mentioned in the warrant and the amount of the surcharge, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued. The city sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant the city sheriff shall be entitled to the same fees, which such city sheriff may collect in the same manner. In the discretion of the commissioner of finance a warrant of like terms, force and effect may be issued and directed to any officer or employee of the department of finance, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the commissioner of finance may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the city had recovered judgment therefore and execution thereon had been returned unsatisfied.

(c) The commissioner of finance, if such commissioner finds that the interests of the city will not thereby be jeopardized, and upon such conditions as the commissioner of finance may require, may release any property from the lien of any warrant or vacate such warrant for unpaid surcharges, penalties and interest filed pursuant to subdivision (b) of this section, and such release or vacating of the warrant may be recorded in the office of any recording officer in which such warrant has been filed. The clerk shall thereupon cancel and discharge as of the original date of docketing the vacated warrant.

§ 11-3210 Penalties and interest. (a) Any person failing to pay any surcharge to the commissioner of transportation within the time required by this chapter shall be subject to a penalty of five percent of the amount of surcharge due; plus interest at the rate of one percent of such surcharge for each month of delay excepting the first month after such surcharge became due; but the commissioner of transportation if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest at the rate of six percent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this chapter. Unpaid penalties and interest may be enforced in the same manner as the surcharge imposed by this chapter.

(b) Any person failing to keep the records required by subdivision (c) of section 11-3203 of this chapter, shall, in addition to the penalties herein or elsewhere prescribed, be subject to a civil penalty in an amount up to one hundred dollars per day from the date on which a determination has been made that any such person failed to keep any such records until the date on which such records are provided, provided that such period shall be no greater than three years. It shall not be any defense to an action under this subdivision that the failure to keep the records was unintentional or not willful.

(c) The certificate of the commissioner of transportation to the effect that a surcharge has not been paid or that information has not been supplied pursuant to the provisions of this chapter, shall be presumptive evidence thereof.

(d) Any person failing to submit the required permit application for a construction permit and who fails to pay the surcharge authorized by the provisions of this chapter, shall, in addition to the penalties herein

or elsewhere prescribed, be subject to a civil penalty in an amount no greater than ten percent of such surcharge.

§ 11-3211 Notices and limitations of time. (a) Any notice authorized or required under the provisions of this chapter may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the construction permit issued to such person pursuant to the rules of the city of New York or, if no permit has been issued to such person, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this chapter by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the civil practice law and rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the city to levy, appraise, assess, determine or enforce the collection of any surcharge or penalty provided by this chapter. However, except in the case of a willfully false or fraudulently obtained construction permit with intent to evade the surcharge, no assessment of additional surcharge shall be made after the expiration of more than three years from the date of the issuance of a construction permit or the renewal thereof; provided, however, that where no construction permit has been issued, or where there has been a change relating to the use of the street for which a construction permit has been issued that would increase the amount of the surcharge, any additional surcharge may be assessed at any time.

§ 3. Any local law enacted pursuant to the authority of section one of this act shall designate an agency to adopt rules and regulations to implement the provisions of such section.

§ 4. This act shall take effect immediately, except that section two of this act shall take effect January 1, 2028.

PART Q

Section 1. The section heading, paragraphs 1, 2, 4 and subparagraph (i) of paragraph 6 of subdivision (a), subdivisions (b), (e), (f), (h), (i), (j), paragraph 3 of subdivision (g) and the opening paragraph of subdivision (m) of section 1180-e of the vehicle and traffic law, as added by chapter 421 of the laws of 2021, are amended to read as follows:

Owner liability for failure of operator to comply with certain posted maximum speed limits; highway construction or maintenance work area.

1. Notwithstanding any other provision of law, the commissioner of transportation is hereby authorized to establish a [~~demonstration~~] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on a controlled-access highway (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such [~~demonstration~~] program shall empower the commissioner to install photo speed violation

monitoring systems within no more than twenty highway construction or maintenance work areas located on controlled-access highways and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The commissioner, in consultation with the superintendent of the division of state police, shall determine the location of the highway construction or maintenance work areas located on a controlled-access highway in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the commissioner shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such highway construction or maintenance work area. A photo speed violation monitoring system shall not be installed or operated on a controlled-access highway exit ramp.

2. Notwithstanding any other provision of law, [~~after holding a public hearing in accordance with the public officers law and subsequent approval of the establishment of a demonstration program in accordance with this section by a majority of the members of the entire board of the thruway authority,~~] the chair of the thruway authority is hereby authorized to establish a [~~demonstration~~] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on the thruway (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such [~~demonstration~~] program shall empower the chair to install photo speed violation monitoring systems within no more than ten highway construction or maintenance work areas located on the thruway and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The chair, in consultation with the superintendent of the division of state police, shall determine the location of the highway construction or maintenance work areas located on the thruway in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the chair shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such highway construction or maintenance work area. A photo speed violation monitoring system shall not be installed or operated on a thruway exit ramp.

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

(i) Such [~~demonstration~~] program shall utilize necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of vehicles where the commissioner or the chair, as applicable, shows that they made reasonable efforts to comply with the provisions of this paragraph in such case.

(b) If the commissioner or chair establishes a [~~demonstration~~] program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a highway construction or maintenance work area located on a controlled-access highway or on the thruway in violation of paragraph two of subdivision (d) or subdivision (f), or when other speed limits are in effect in violation of subdivision (b) or (g) or paragraph one of subdivision (d), of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such highway construction or maintenance work area, and such violation is evidenced by information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

(e) An owner liable for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to a [~~demonstration~~] program established pursuant to this section shall be liable for monetary penalties not to exceed fifty dollars for a first violation, [~~seventy-five~~] **one hundred twenty-five** dollars for a second violation both of which were committed within a period of eighteen months, and one hundred **seventy-five** dollars for a third or subsequent violation all of which were committed within a period of eighteen months; provided, however, that an additional penalty not in excess of twenty-five dollars for each violation may be imposed for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability under the [~~demonstration~~] program established pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the

person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

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

(h) Adjudication of the liability imposed upon owners of this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by [~~the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal~~], a hearing officer designated by the commissioner of motor vehicles provided, however, if a city with a population of one million or more has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, such tribunal shall adjudicate liability pursuant to this section.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle or the number plate or plates of such vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section that the vehicle or the number plate or plates of such vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle or number plate or plates of such vehicle be sent by first class mail to the [~~traffic violations bureau, court having jurisdiction or parking violations bureau~~] department of transportation or thruway authority as applicable.

(j) 1. [~~Where the adjudication of liability imposed upon owners pursuant to this section is by a traffic violations bureau or a court having jurisdiction, an~~] An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section, provided that [~~he or she~~] the owner sends to the [~~traffic violations bureau or court having jurisdiction~~] commissioner or chair as applicable a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the [~~bureau or court~~] commissioner or chair as applicable of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be

subject to liability for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

[~~(A)~~] **(i)** prior to the violation, the lessor has filed with the bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

[~~(B)~~] **(ii)** within thirty-seven days after receiving notice from the [~~bureau~~] **chair or commissioner as applicable** of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to the bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the [~~bureau~~] **chair or commissioner as applicable** pursuant to regulations that may be promulgated for such purpose.

[~~(ii)~~] **3.** Failure to comply with [~~clause (B) of subparagraph (i) of~~] this [~~paragraph~~] **subdivision** shall render the owner liable for the penalty prescribed in this section.

[~~(iii)~~] **4.** Where the lessor complies with the provisions of this [~~paragraph~~] **subdivision**, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

If the commissioner or chair adopts a [~~demonstration~~] program pursuant to subdivision (a) of this section the commissioner or chair, as applicable, shall [~~conduct a study and~~] submit a report on or before [~~May first, two thousand twenty-four and a report on or before~~] May first, two thousand twenty-six on the results of the use of photo devices to the governor, the temporary president of the senate and the speaker of the assembly. The commissioner or chair shall also make such reports available on their public-facing websites, provided that they may provide aggregate data from paragraph one of this subdivision if the commissioner or chair finds that publishing specific location data would jeopardize public safety. Such report shall include:

§ 2. The vehicle and traffic law is amended by adding a new section 1180-h to read as follows:

**§ 1180-h. Owner liability for failure of operator to comply with certain posted maximum speed limits; Triborough bridge and tunnel project highway construction or maintenance work area. (a) 1. Notwithstanding any other provision of law, the Triborough bridge and tunnel authority, a body corporate and politic constituting a public benefit corporation created and constituted pursuant to title three of article three of the public authorities law, is hereby authorized to establish a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a construction or maintenance work area located at any Triborough bridge**

and tunnel authority project referred to in subdivision nine of section five hundred fifty-three of the public authorities law, or as otherwise provided in an applicable interagency agreement, (i) when construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such program shall empower the Triborough bridge and tunnel authority to install photo speed violation monitoring systems within construction or maintenance work areas located at Triborough bridge and tunnel authority projects and to operate such systems within such work areas (iii) when construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The Triborough bridge and tunnel authority shall determine the location of the construction or maintenance work areas located at a Triborough bridge and tunnel authority project in which to install and operate photo speed violation monitoring systems. In selecting a construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the Triborough bridge and tunnel authority shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such construction or maintenance work area.

2. No photo speed violation monitoring system shall be used in a construction or maintenance work area unless (i) on the day it is to be used it has successfully passed a self-test of its functions; and (ii) it has undergone an annual calibration check performed pursuant to paragraph four of this subdivision. The Triborough bridge and tunnel authority shall install signs giving notice that a photo speed violation monitoring system is in use, in conformance with standards established in the MUTCD.

3. Operators of photo speed violation monitoring systems shall have completed training in the procedures for setting up, testing, and operating such systems. Each such operator shall complete and sign a daily set-up log for each such system that the operator operates that (i) states the date and time when, and the location where, the system was set up that day, and (ii) states that such operator successfully performed, and the system passed, the self-tests of such system before producing a recorded image that day. The Triborough bridge and tunnel authority shall retain each such daily log until the later of the date on which the photo speed violation monitoring system to which it applies has been permanently removed from use or the final resolution of all cases involving notices of liability issued based on photographs, micro-photographs, video or other recorded images produced by such system.

4. Each photo speed violation monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory which shall issue a signed certificate of calibration. The Triborough bridge and tunnel authority shall keep each such annual certificate of calibration on file until the final resolution of all cases involving a notice of liability issued during such year which were based on photo-

graphs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring system.

5. (i) Such program shall utilize necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of vehicles where the Triborough bridge and tunnel authority shows that it made reasonable efforts to comply with the provisions of this paragraph in such case.

(ii) Photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall be for the exclusive use of the Triborough bridge and tunnel authority for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by the Triborough bridge and tunnel authority upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

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

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

(2) shall be furnished in response to a subpoena duces tecum signed by a judge of competent jurisdiction and issued pursuant to article six hundred ten of the criminal procedure law or a judge or magistrate of a federal court authorized to issue such a subpoena duces tecum under federal law, where the judge finds and the subpoena states that there is reasonable cause to believe such information is relevant and material to

the prosecution, or the defense, or the investigation by an authorized law enforcement official, of the alleged commission of a misdemeanor or felony in this state or another state, provided, however, that if such offense was against the laws of another state, such judge or magistrate shall only issue such subpoena if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony in this state; and

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

(b) The owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a construction or maintenance work area located at a Triborough bridge and tunnel authority project in violation of paragraph two of subdivision (d) or subdivision (f), or when other speed limits are in effect in violation of subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such construction or maintenance work area, and such violation is evidenced by information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

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

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

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

3. "photo speed violation monitoring system" shall mean a vehicle sensor installed to work in conjunction with a speed measuring device which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in a construction or maintenance work area located at a Triborough bridge and tunnel authority project in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article in accordance with the provisions of this section;

4. "Triborough bridge and tunnel authority projects" shall mean the projects referred to in subdivision nine of section five hundred fifty-three of the public authorities law, or as otherwise provided in an applicable interagency agreement.

(d) A certificate, sworn to or affirmed by a technician employed by the Triborough bridge and tunnel authority or its agent as applicable, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo speed violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle to the extent practicable and shall be available for inspection reasonably in advance

of and at any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) An owner liable for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to a program established pursuant to this section shall be liable for monetary penalties not to exceed fifty dollars for a first violation, one hundred twenty-five dollars for a second violation both of which were committed within a period of eighteen months, and one hundred seventy-five dollars for a third or subsequent violation all of which were committed within a period of eighteen months; provided, however, that an additional penalty not in excess of twenty-five dollars for each violation may be imposed for the failure to respond to a notice of liability within the prescribed time period.

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

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

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

3. The notice of liability shall contain information advising the person charged of the manner and the time in which such person may contest the liability alleged in the notice. Such notice of liability shall also contain a prominent warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the Triborough bridge and tunnel authority or by any other entity authorized by the Triborough bridge and tunnel authority to prepare and mail such notice of liability.

(h) Adjudication of the liability imposed upon owners of this section shall be by the New York city parking violations bureau.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle or the number plate or plates of such vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (b), (d), (f) or (g) of section

eleven hundred eighty of this article pursuant to this section that the vehicle or the number plate or plates of such vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle or number plate or plates of such vehicle be sent by first class mail to the Triborough bridge and tunnel authority.

(j) 1. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section, provided that the owner sends to the Triborough Bridge and tunnel authority a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the Triborough bridge and tunnel authority of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven-day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

2. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article, provided that:

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

(ii) within thirty-seven days after receiving notice from the Triborough bridge and tunnel authority of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to the Triborough bridge and tunnel authority the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the Triborough bridge and tunnel authority pursuant to regulations that may be promulgated for such purpose.

3. Failure to comply with this subdivision shall render the owner liable for the penalty prescribed in this section.

4. Where the lessor complies with the provisions of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

(k) 1. If the owner liable for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section was not the operator of the vehicle at the time of the

violation, the owner may maintain an action for indemnification against the operator.

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

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

(m) It shall be a defense to any prosecution for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section that such photo speed violation monitoring system was malfunctioning at the time of the alleged violation.

§ 3. The vehicle and traffic law is amended by adding a new section 1180-i to read as follows:

§ 1180-i. Owner liability for failure of operator to comply with certain posted maximum speed limits; New York state bridge authority project highway construction or maintenance work area. (a) 1. Notwithstanding any other provision of law, the New York state bridge authority "bridge authority", a body corporate and politic constituting a public benefit corporation created and constituted pursuant to title two of article three of the public authorities law, is hereby authorized to establish a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a construction or maintenance work area located at any bridge authority project referred to in subdivision ten or ten-a of section five hundred twenty-eight of the public authorities law, or as otherwise provided in an applicable interagency agreement, (i) when construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such program shall empower the bridge authority to install photo speed violation monitoring systems within construction or maintenance work areas located at bridge authority projects and to operate such systems within such work areas (iii) when construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The bridge authority shall determine the location of the construction or maintenance work areas located at a bridge authority project in which to install and operate photo speed violation monitoring systems. In selecting a construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the bridge authority shall consider criteria including, but not limited to, the speed data, crash history, and

roadway geometry applicable to such construction or maintenance work area.

2. No photo speed violation monitoring system shall be used in a construction or maintenance work area unless (i) on the day it is to be used it has successfully passed a self-test of its functions; and (ii) it has undergone an annual calibration check performed pursuant to paragraph four of this subdivision. The bridge authority shall install signs giving notice that a photo speed violation monitoring system is in use, in conformance with standards established in the MUTCD.

3. Operators of photo speed violation monitoring systems shall have completed training in the procedures for setting up, testing, and operating such systems. Each such operator shall complete and sign a daily set-up log for each such system that the operator operates that (i) states the date and time when, and the location where, the system was set up that day, and (ii) states that such operator successfully performed, and the system passed, the self-tests of such system before producing a recorded image that day. The bridge authority shall retain each such daily log until the later of the date on which the photo speed violation monitoring system to which it applies has been permanently removed from use or the final resolution of all cases involving notices of liability issued based on photographs, microphotographs, video or other recorded images produced by such system.

4. Each photo speed violation monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory which shall issue a signed certificate of calibration. The bridge authority shall keep each such annual certificate of calibration on file until the final resolution of all cases involving a notice of liability issued during such year which were based on photographs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring system.

5. (i) Such program shall utilize necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of vehicles where the bridge authority shows that it made reasonable efforts to comply with the provisions of this paragraph in such case.

(ii) Photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall be for the exclusive use of the bridge authority for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by the bridge authority upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication

of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

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

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

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

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

(b) The owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a construction or maintenance work area located at a bridge authority project in violation of paragraph two of subdivision (d) or subdivision (f), or when other speed limits are in effect in violation of subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such construction or maintenance work area, and such violation is evidenced by information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

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

1. "manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control

devices maintained by the commissioner of transportation pursuant to section sixteen hundred eighty of this chapter;

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

3. "photo speed violation monitoring system" shall mean a vehicle sensor installed to work in conjunction with a speed measuring device which automatically produces two or more photographs, two or more micro-photographs, a videotape or other recorded images of each vehicle at the time it is used or operated in a construction or maintenance work area located at a bridge authority project in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article in accordance with the provisions of this section; and

4. "bridge authority projects" shall mean the projects referred to in subdivision ten or ten-a of section five hundred twenty-eight of the public authorities law, or as otherwise provided in an applicable inter-agency agreement.

(d) A certificate, sworn to or affirmed by a technician employed by the bridge authority or its agent as applicable, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo speed violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle to the extent practicable and shall be available for inspection reasonably in advance of and at any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) An owner liable for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to a program established pursuant to this section shall be liable for monetary penalties not to exceed fifty dollars for a first violation, one hundred twenty-five dollars for a second violation both of which were committed within a period of eighteen months, and one hundred seventy-five dollars for a third or subsequent violation all of which were committed within a period of eighteen months; provided, however, that an additional penalty not in excess of twenty-five dollars for each violation may be imposed for the failure to respond to a notice of liability within the prescribed time period.

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

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

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article

pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, the identification number of the camera which recorded the violation or other document locator number, at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle to the extent practicable, and the certificate charging the liability.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which such person may contest the liability alleged in the notice. Such notice of liability shall also contain a prominent warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the bridge authority or by any other entity authorized by the bridge authority to prepare and mail such notice of liability.

(h) Adjudication of the liability imposed upon owners of this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by a hearing officer designated by the commissioner of motor vehicles.

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

(j) 1. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section, provided that the owner sends to the bridge authority a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bridge authority of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven-day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

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

(ii) within thirty-seven days after receiving notice from the bridge authority of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to the bridge authority the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the bridge authority pursuant to regulations that may be promulgated for such purpose.

3. Failure to comply with this subdivision shall render the owner liable for the penalty prescribed in this section.

4. Where the lessor complies with the provisions of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

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

(m) It shall be a defense to any prosecution for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section that such photo speed violation monitoring system was malfunctioning at the time of the alleged violation.

§ 4. Subdivisions 11 and 12 of section 1803 of the vehicle and traffic law, as amended by chapter 557 of the laws of 2023, are amended and two new subdivisions 13 and 14 are added to read as follows:

11. Where the commissioner of transportation has established a [~~demonstration~~] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or

penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. Notwithstanding the provisions of subdivision five of this section, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent of any such fine or penalty shall be paid to the city, town or village in which the violation giving rise to the liability occurred, provided, however, that **(a)** within a county that has established a traffic and parking violations agency pursuant to section three hundred seventy of the general municipal law and such liability is disposed of by such agency, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent of any such fine or penalty shall be paid to the county in which the violation giving rise to the liability occurred; **or (b) where collected by a hearing officer appointed by the commissioner, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent shall be deposited in the work zone speed camera administration fund established pursuant to section ninety-nine-ss of the state finance law**. With respect to the percentage of fines or penalties paid to the general fund, no less than sixty percent shall be dedicated to department of transportation work zone safety projects after deducting the expenses necessary to administer such [~~demonstration~~] program, provided, however, that **except as provided pursuant to section ninety-nine-ss of the state finance law,** such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the department of transportation and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

12. Where the chair of the New York state thruway authority has established a [~~demonstration~~] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. Notwithstanding the provisions of subdivision five of this section, eighty percent of any such fine or

penalty imposed for such liability shall be paid to the thruway authority, and twenty percent of any such fine or penalty shall be paid to the city, town or village in which the violation giving rise to the liability occurred, provided, however, that **(a)** within a county that has established a traffic and parking violations agency pursuant to section three hundred seventy of the general municipal law and such liability is disposed of by such agency, eighty percent of any such fine or penalty imposed for such liability shall be paid to the thruway authority, and twenty percent of any such fine or penalty shall be paid to the county in which the violation giving rise to the liability occurred**; or (b) where collected by a hearing officer appointed by the commissioner, eighty percent of any such fine or penalty imposed for such liability shall be paid to the thruway authority, and twenty percent shall be deposited in the work zone speed camera administration fund established pursuant to section ninety-nine-ss of the state finance law**. With respect to the percentage of fines or penalties paid to the thruway authority, no less than sixty percent shall be dedicated to thruway authority work zone safety projects after deducting the expenses necessary to administer such [~~demonstration~~] program, provided, however, that **except as provided pursuant to section ninety-nine-ss of the state finance law,** such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the thruway authority and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. For the purposes of this subdivision, the term "thruway authority" shall mean the New York state thruway authority, a body corporate and politic constituting a public corporation created and constituted pursuant to title nine of article two of the public authorities law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

**13. Where the Triborough bridge and tunnel authority has established a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-h of this chapter, any fine or penalty collected by the New York city parking violations bureau for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. Notwithstanding the provisions of subdivision five of this section, eighty percent of any such fine or penalty imposed for such liability shall be paid to the Triborough bridge and tunnel authority, and twenty percent of any such fine or penalty shall be paid to the New York city parking violations bureau. With respect to the percentage of fines or penalties paid to the Triborough bridge and tunnel authori-**

ty, no less than sixty percent shall be dedicated to Triborough bridge and tunnel authority work zone safety projects after deducting the expenses necessary to administer such program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the Triborough bridge and tunnel authority and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. For the purposes of this subdivision, the term "Triborough bridge and tunnel authority" shall mean the New York state Triborough bridge and tunnel authority, a body corporate and politic constituting a public benefit corporation created and constituted pursuant to title three of article three of the public authorities law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

14. Where the New York state bridge authority has established a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-i of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. Notwithstanding the provisions of subdivision five of this section, eighty percent of any such fine or penalty imposed for such liability shall be paid to the bridge authority, and twenty percent of any such fine or penalty shall be paid to the city, town or village in which the violation giving rise to the liability occurred, provided, however, that (a) within a county that has established a traffic and parking violations agency pursuant to section three hundred seventy of the general municipal law and such liability is disposed of by such agency, eighty percent of any such fine or penalty imposed for such liability shall be paid to the bridge authority, and twenty percent of any such fine or penalty shall be paid to the county in which the violation giving rise to the liability occurred; or (b) where collected by a hearing officer appointed by the commissioner, eighty percent of any such fine or penalty imposed for such liability shall be paid to the bridge authority, and twenty percent shall be deposited in the work zone speed camera administration fund established pursuant to section ninety-nine-ss of the state finance law. With respect to the percentage of fines or penalties paid to the bridge authority, no less than sixty percent shall be dedicated to bridge authority work zone safety projects after deducting the expenses necessary to administer such program, provided, however, that except as provided pursuant to section ninety-nine-ss of the state finance law, such funds provided pursuant to this

subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the bridge authority and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. For the purposes of this subdivision, the term "bridge authority" shall mean the New York state bridge authority, a body corporate and politic constituting a public benefit corporation created and constituted pursuant to title two of article three of the public authorities law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

§ 5. The state finance law is amended by adding a new section 99-ss to read as follows:

§ 99-ss. Work zone speed camera administration fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the comptroller a special fund to be known as the "work zone speed camera administration fund".

2. The fund shall consist of fines or penalties collected by the commissioner of motor vehicles for violations of sections eleven hundred eighty-e and eleven hundred eighty-i of the vehicle and traffic law and pursuant to subdivisions eleven, twelve and fourteen of section eighteen hundred and three of the vehicle and traffic law.

3. Moneys of the fund shall be made available to the department of motor vehicles only for the costs incurred by the department in adjudicating liabilities and hearing administrative appeals regarding violations of sections eleven hundred eighty-e and eleven hundred eighty-i of the vehicle and traffic law.

4. The moneys of the fund shall be paid out on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of motor vehicles. At the end of each year any moneys remaining in the fund shall be retained in the fund and shall not revert to the general fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to the fund.

§ 6. Subdivision 2 of section 87 of the public officers law is amended by adding two new paragraphs (v) and (w) to read as follows:

(v) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-h of the vehicle and traffic law.

(w) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-i of the vehicle and traffic law.

§ 7. Section 16 of chapter 421 of the laws of 2021 amending the vehicle and traffic law and the general municipal law relating to certain notices of liability, is amended to read as follows:

§ 16. This act shall take effect on the thirtieth day after it shall have become a law; [~~provided, however, that sections twelve, thirteen, fourteen and fifteen of this act shall expire and be deemed repealed 5 years after such effective date when upon such date the provisions of~~

~~such sections shall be deemed repealed;~~] provided that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date[~~;~~ ~~and provided further, that:~~

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

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

~~(c) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight-b of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight-c of this act shall take effect;~~

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

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

~~(f) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight-e of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight-f of this act shall take effect;~~

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

~~(h) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight-g of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight-h of this act shall take effect~~].

§ 8. For the purpose of informing and educating owners of motor vehicles in this state, an agency or authority authorized to issue notices of liability pursuant to the provisions of this act shall, during the first thirty-day period in which the photo violation monitoring systems are in operation pursuant to the provisions of this act, issue a written warning in lieu of a notice of liability to all owners of motor vehicles who would be held liable for failure of operators thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the vehicle and traffic law in accordance with sections eleven hundred eighty-h and eleven hundred eighty-i of the vehicle and traffic law.

§ 9. This act shall take effect immediately; provided however, that sections one, two, three, four, five and six of this act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART R

Section 1. Subdivision 11 of section 120.05 of the penal law, as amended by section 2 of part Z of chapter 55 of the laws of 2024, is amended to read as follows:

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train, bus, or ferry the collection or handling of revenues therefrom; a person whose official duties include the **construction,** maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station **or transportation** structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry station, or a train or bus station or terminal**, or any roadways, walkways, tunnels, bridges, tolling facilities or their supporting systems, building or structures**; or a supervisor of such personnel, employed by any transit or commuter rail agency, authority or company, public or private, whose operation is authorized **or established** by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, **motor vehicle license examiner, motor vehicle representative, highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred eighteen-c of the vehicle and traffic law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, [~~he or she~~] **such person** causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers or other revenue payment media for use on a train, bus, or ferry or the collection or handling of revenues therefrom; a person whose official duties include the **construction,** maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station **or transportation** structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry

station, or a train or bus station or terminal**, or any roadways, walkways, tunnels, bridges, tolling facilities or their supporting systems, buildings or structures**; or a supervisor of such personnel, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, **motor vehicle license examiner, motor vehicle representative, highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred eighteen-c of the vehicle and traffic law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing [~~an assigned duty on, or directly related to,~~] **a lawful act related, directly or indirectly, to an employment responsibility, including but not limited to** the operation of a train or bus, cleaning of a train or bus station or terminal, assisting customers, checking traffic, the sale or collection of tickets, passes, vouchers, or other revenue media for use on a train, bus, or ferry or maintenance or cleaning of a train, a bus, a ferry, or bus station or terminal, signal system, elevated or underground subway tracks, transit station **or transportation** structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard or revenue train in passenger service, a ferry station, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, **motor vehicle license examiner, motor vehicle representative, highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred eighteen-c of the vehicle and traffic law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

§ 2. The vehicle and traffic law is amended by adding three new sections 118-a, 118-b and 118-c to read as follows:

**§ 118-a. Highway worker. Any person employed by or on behalf of the state, a county, city, town, village, a public authority, local authority, public utility company, or an agent or contractor of any such entity, or a flagperson as defined in section one hundred fifteen-b of this article, who has been assigned to perform work on a highway, public highway, roadway, access highway, or qualifying highway, or within the highway right of way. Such work may include, but shall not be limited to, construction, reconstruction, maintenance, improvement, flagging, utility installation, or the operation of equipment. For purposes of this section, the term "highway right of way" shall mean the entire width between the boundary line of all property which has been purchased, appropriated, or designated by the state, a municipal entity, or a public benefit corporation for highway purposes, all property over which the commissioner of transportation, any municipal entity, or public benefit corporation has assumed jurisdiction for highway**

purposes, and all property that has become part of a highway system through dedication or use, including any property deemed necessary for the maintenance, construction, reconstruction, or improvement of any highway. Such work may include, but shall not be limited to construction, reconstruction, maintenance, improvement, flagging, utility installation, or the operation of equipment.

§ 118-b. Motor carrier investigator. Any person employed by the department of transportation who has been assigned to perform investigations of any motor carriers regulated by the commissioner of transportation.

§ 118-c. Motor vehicle inspector. Any person employed by the department of transportation who has been assigned to perform inspections of any motor vehicles regulated by the commissioner of transportation.

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

PART S

Section 1. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 1 of part BB of chapter 58 of the laws of 2024, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, [~~2025~~] 2026 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a displaced worker shall be eligible for continuation assistance retroactive to July 1, 2004.

§ 2. This act shall take effect immediately.

PART T

Section 1. Subdivision 7 of section 2611 of the public authorities law, as amended by section 1 of part NN of chapter 58 of the laws of 2019, is amended to read as follows:

7. To enter into contracts, leases and subleases and to execute all instruments necessary or convenient for the conduct of authority business, including agreements with the park district and any state agency which administers, owns or supervises any olympic facility or Belleayre Mountain ski center, as provided in sections twenty-six hundred twelve and twenty-six hundred fourteen of this title[~~, and including contracts or other agreements to plan, prepare for and host the two thousand twenty-three World University Games to be held in Lake Placid, New York where such contracts or agreements would obligate the authority to defend, indemnify and/or insure third parties in connection with, arising out of, or relating to such games, such authority to be limited by the amount of any lawful appropriation or other funding such as a performance bond surety, or other collateral instrument for that purpose. With respect to the two thousand twenty-three World University Games, the amount of such appropriation shall be no more than sixteen million dollars~~]. This shall include the power to enter into contracts or other agreements to join reciprocal ski pass programs with other ski areas, where the members of such reciprocal pass program are required to defend and/or indemnify one or more other members of such program for claims or causes of action arising out of, or relating to, such contract

or agreement. This power shall be limited by the amount of the authority's discretionary funds, any lawful appropriation, or other funding, up to a limit of two hundred fifty thousand dollars per such claim or cause of action;

§ 2. This act shall take effect immediately.

PART U

Section 1. The general business law is amended by adding a new article 47 to read as follows:

ARTICLE 47

ARTIFICIAL INTELLIGENCE COMPANION MODELS

Section. 1700. Definitions.

1701. Prohibitions and requirements.

1702. Notifications.

1703. Enforcement.

1704. Severability.

§ 1700. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Artificial intelligence", "artificial intelligence technology", or "AI" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments, and that uses machine- and human-based inputs to perceive real and virtual environments, abstract such perceptions into models through analysis in an automated manner, and use model inference to formulate options for information or action.

2. "Generative artificial intelligence" means a class of AI models that are self-supervised and emulate the structure and characteristics of input data to generate derived synthetic content, including, but not limited to, images, videos, audio, text, and other digital content.

3. "AI model" means a component of an information system that implements artificial intelligence technology and uses computational, statistical, or machine-learning techniques to produce outputs from a given set of inputs.

4. "AI companion" means a system using artificial intelligence, generative artificial intelligence, and/or emotional recognition algorithms to simulate social human interaction, by retaining information on prior interactions and user preference, asking questions, providing advice, and engaging in simulated conversation on matters of personal well-being.

5. "Operator" means any person, partnership, association, firm, or business entity, or any member, affiliate, subsidiary or beneficial owner of any partnership, association, firm, or business entity who operates or provides an AI companion.

6. "Person" means any natural person.

7. "Emotional recognition algorithms" means artificial intelligence that detects and interprets human emotional signals in text (using natural language processing and sentiment analysis), audio (using voice emotion AI), video (using facial movement analysis, gait analysis, or physiological signals), or a combination thereof.

8. "User" means any person who uses an AI companion within the state and who is not an operator or agent or affiliate of the operator of the AI companion.

§ 1701. Prohibitions and requirements. It shall be unlawful for any operator to operate or provide an AI companion to a user unless such AI companion contains a protocol for addressing possible suicidal ideation

or self-harm expressed by a user to the AI companion, that includes but is not limited to, a notification to the user that refers them to crisis service providers such as a suicide hotline, crisis text line, or other appropriate crisis services.

§ 1702. Notifications. An operator shall provide a notification to a user at the beginning of any AI companion interaction and at least every three hours for continuing AI companion interactions thereafter, which states either verbally or in bold and capitalized letters of at least sixteen point type, the following:

"THE AI COMPANION (OR NAME OF THE AI COMPANION) IS A COMPUTER PROGRAM AND NOT A HUMAN BEING. IT IS UNABLE TO FEEL HUMAN EMOTION".

§ 1703. Enforcement. Any person aggrieved by a violation of section seventeen hundred one or seventeen hundred two of this article may bring an action in a court of competent jurisdiction for damages, equitable relief, and such other remedies as the court may deem appropriate.

§ 1704. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

PART V

Section 1. The article heading of article 12-B of the general business law, as added by chapter 1005 of the laws of 1960, is amended to read as follows:

RETAIL SALES AND MERCANTILE ESTABLISHMENTS

§ 2. The section heading and subdivision 1 of section 217 of the general business law, as amended by chapter 278 of the laws of 2009, are amended and two new subdivisions 3 and 4 are added to read as follows:

[~~Definition~~] Definitions.

1. "Retail mercantile establishment" shall mean a place where goods, wares or merchandise are offered to the public for sale, but does not include any retail seller as defined in subdivision three of this section.

3. "Retail seller" shall mean any association, partnership, firm, corporation, limited liability company or other business entity that: (a) is comprised of five hundred or more employees statewide or that has annual gross revenues from sales in New York of five hundred thousand dollars or more; and (b) that is engaged in the retail sale of goods, wares, or merchandise to the public in New York state through any physical or virtual medium, including but not limited to ecommerce, mobile app, social media or any other virtual marketplace. A "retail seller" shall not include a platform or business that facilitates transactions between independent sellers or businesses and consumers by, for example, providing infrastructure to advertise and market such independent sellers' or businesses' products and facilitating payment processing.

4. "Retail sale" shall mean a sale of commodities or goods to the ultimate consumer primarily for personal, family or household purposes.

As used in this section, the term "retail sale" does not include the sale of used goods.

§ 3. The section heading of section 218-a of the general business law, as amended by chapter 278 of the laws of 2009, is amended to read as follows:

Disclosure of refund policies by retail mercantile establishments.

§ 4. The general business law is amended by adding a new section 218-aaa to read as follows:

§ 218-aaa. Minimum standards for refund policies and disclosure by retail sellers. 1. (a) Every retail seller shall offer full cash or credit refunds, equal exchanges, or store credit, at the discretion of the seller and subject to the exclusions outlined in subdivision two of this section, for at least thirty days following purchase of the goods.

(b) Every retail seller shall set forth its refund policy on the receipt or proof of purchase.

(c) Every retail seller shall conspicuously post its refund policy on a sign or notice attached to or near the item itself, a display of the item or a description of the item, on a sign affixed to or clearly visible from each cash register or point of sale at which such goods are offered, or on a retail seller's order forms, if any.

2. This section does not apply to food, plants, flowers, perishable goods, goods marked "as is," "no returns accepted," "all sales final," or with similar language, goods used or damaged after purchase, customized goods received as ordered, goods not returned with their original package, and goods which cannot be resold due to health considerations.

3. Any retail seller who violates any provision of this section shall be liable to the buyer for a cash or credit refund for the total amount of the original purchase, provided the buyer can verify the date of purchase with a receipt or any other purchase verification method utilized by the retail seller.

4. This section does not relieve any retail seller subject to the provisions of this section from complying with any law, ordinance, rule or regulation of any locality relating to the posting of refund policies which affords the buyer greater protection than do the provisions of this section.

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

PART W

Section 1. Subdivisions 2 and 3 of section 527 of the general business law, as added by chapter 267 of the laws of 2020, are amended to read as follows:

2. [~~"Automatic renewal offer terms" means the following clear and conspicuous disclosures:~~

~~a. that the subscription or purchasing agreement will continue until the consumer cancels;~~

~~b. the description of the cancellation policy that applies to the offer;~~

~~c. the recurring charges that will be charged to the consumer's credit or debit card or payment account with a third party as part of the automatic renewal plan or arrangement, and that the amount of the charge may change, if that is the case, and the amount to which the charge will change, if known;~~

~~d. the length of the automatic renewal term or that the service is continuous, unless the length of the term is chosen by the consumer; and~~

~~e. the minimum purchase obligation, if any~~] "Knowing" means that a person, with respect to information:

a. has actual knowledge of the information;

b. acts in deliberate ignorance of the truth or falsity of the information; or

c. acts in reckless disregard of the truth or falsity of the information.

3. "Clear and conspicuous" means [~~in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. In the case of an audio disclosure, "clear and conspicuous" means in a volume and cadence sufficient to be readily audible and understandable~~] that a required disclosure is easily noticeable (i.e., difficult to miss) and easily understandable by ordinary consumers, including in all of the following ways:

a. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure is made in only one means;

b. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood;

c. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it;

d. In any communication using the internet, mobile application, or software, the disclosure must be unavoidable;

e. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears;

f. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications;

g. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication; and

h. When the representation or sales practice targets a specific audience, such as children, older adults, or the terminally ill, "ordinary consumers" includes members of that group.

§ 2. Section 527-a of the general business law, as added by chapter 267 of the laws of 2020, subdivisions 3 and 8 as amended by chapter 728 of the laws of 2023, is amended to read as follows:

§ 527-a. Unlawful practices. 1. It shall be unlawful for any business making an automatic renewal or continuous service offer to a consumer in this state to [~~do any of the following~~]:

a. fail to present to the consumer, in a clear and conspicuous manner, the material terms of any automatic renewal offer [~~terms~~] or continuous service offer [~~terms in a clear and conspicuous manner~~], including but not limited to the amount of the costs that will be charged, the frequency of charges, and the deadline by date or frequency by which the consumer must act to prevent or stop further charges, before consent to the [~~subscription or purchasing agreement is fulfilled~~] offer or billing

information has been requested and in visual proximity, or in the case of an offer conveyed by voice, in temporal proximity, to the request for consent to the offer. If the offer [~~also includes a free gift or trial~~] price is temporary, the offer shall include a clear and conspicuous explanation of how and when the price will change and the price or prices that will subsequently be charged [~~after the trial ends or the manner in which the subscription or purchasing agreement pricing will change upon conclusion of the trial~~] to the consumer;

b. charge the consumer's credit or debit card or the consumer's account with a third party for an automatic renewal or continuous service, or for any previously undisclosed increased price relating to an automatic renewal or continuous service offer to which the consumer previously consented, without first obtaining the consumer's express affirmative consent to [~~the agreement containing~~] the automatic renewal offer terms or continuous service offer terms, including the terms of an automatic renewal offer or continuous service offer that is made at a promotional or discounted price for a limited period of time; [~~or~~]

c. fail to provide an acknowledgment [~~that includes the automatic renewal or continuous service offer terms, cancellation policy, and information regarding how to cancel~~] of the terms of the automatic renewal, continuous service offer, or increased price at or immediately following acceptance in a manner [~~that is~~] capable of being retained by the consumer[~~. If the offer includes a free gift or trial, the business shall also disclose in the acknowledgment how to cancel and allow the consumer to cancel before the consumer pays for the goods or services.~~] that includes:

(i) a clear and conspicuous disclosure to the consumer of the mechanism by which the automatic renewal or continuous service offer may be cancelled, provided that any cancellation mechanism must be at least as easy to access and use as the mechanism by which the consumer provided consent; and

(ii) contact information for the business, including a toll-free telephone number, email address, and web address, if a website is maintained;

d. fail to provide the consumer with the option to cancel at any time through the same medium by which the consumer accepted the automatic renewal, continuous service offer, or any price increase, which may include but not be limited to:

(i) a direct connection to a live or automated process for cancelling the service through the toll-free number provided to the consumer;

(ii) an option to cancel through a business email address provided to the consumer; and

(iii) a "cancel" button or link clearly and conspicuously displayed on the header of the business website;

e. impose unreasonable or unlawful conditions upon, refuse to acknowledge, or delay cancellation requested by a consumer;

[~~2. A business that makes an automatic renewal offer or continuous service offer shall provide a toll-free telephone number, electronic mail address, a postal address only when the seller directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for cancellation that shall be described in the acknowledgment specified in paragraph c of subdivision one of this section.~~

~~3. a. In addition to the requirements of subdivision two of this section, a consumer who accepts an automatic renewal or continuous service offer online shall be allowed to terminate the automatic renewal or continuous service exclusively online, which may include a termi-~~

~~nation email formatted and provided by the business that a consumer can send to the business without additional information.~~

~~b. A business that allows a consumer to accept an automatic renewal or continuous service offer for an initial paid term of one year or longer, provided that such automatic renewal or continuous service renews for a paid term of six months or longer, shall~~] f. fail to notify [~~such~~] a consumer of [~~such upcoming~~] an automatic renewal or continuous service charge [~~to such consumer's account~~] for an automatic renewal or continuous service offer with an initial paid term of one year or longer at least fifteen days before, but not more than forty-five days before, the [~~cancellation deadline for such~~] date of the automatic renewal[~~. Such notice shall include instructions on how to cancel such renewal charge.~~

~~c. The provisions of paragraph b of this subdivision shall not apply to any business, or subsidiary or affiliate thereof, regulated by the public service commission or the federal communications commission.~~

~~4. In the case of a material change in the terms of the automatic renewal or continuous service offer that has been accepted by a consumer in this state, the business shall~~] in the manner selected by the consumer, including text, email, app notification or any other notification channel offered by the business; or

g. fail to provide [~~the~~] a consumer who has accepted an automatic renewal or continuous service offer with a clear and conspicuous notice of [~~the~~] any material change [~~and provide information regarding how to cancel in a manner that is capable of being retained by the consumer.~~

~~5. The requirements of this article shall apply only prior to the completion of the initial order for the automatic renewal or continuous service, except as follows:~~

~~a. The requirement in paragraph c of subdivision one of this section may be fulfilled after completion of the initial order.~~

~~b. The requirement in subdivision four of this section shall be fulfilled prior to implementation of the material change.~~

~~6.~~] to the terms of the automatic renewal or continuous service offer, including any previously undisclosed price increases, at least five business days prior to the date of the change, in the same manner as required by paragraph f of this subdivision.

2. In any case in which a business sends any goods, wares, merchandise, or products to a consumer, under a continuous service agreement or automatic renewal of a purchase, without first obtaining the consumer's affirmative consent, the goods, wares, merchandise, or products shall for all purposes be deemed an unconditional gift to the consumer, who may use or dispose of the same in any manner [~~he or she~~] such consumer sees fit without any obligation whatsoever on the consumer's part to the business, including, but not limited to, bearing the cost of, or responsibility for, shipping any goods, wares, merchandise, or products to the business.

[~~7.~~] 3. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding the court may make allowances to the attorney general as provided in section eighty-three

hundred three of the civil practice law and rules, and direct restitution. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than one hundred dollars for a single violation and not more than five hundred dollars for multiple violations resulting from a single act or incident. A knowing violation of this section shall be punishable by a civil penalty of not more than five hundred dollars for a single violation and not more than one thousand dollars for multiple violations resulting from a single act or incident. No business shall be deemed to have violated the provisions of this section if such business shows, by a preponderance of the evidence, that the violation was not intentional and resulted from a bona fide error made notwithstanding the maintenance of procedures reasonably adopted to avoid such error.

[~~8.~~] **4.** The following are exempt from the requirements of this article:

a. any service provided by a business or its affiliate where either the business or its affiliate is doing business pursuant to a franchise issued by a political subdivision of the state;

b. any entity, or subsidiary or affiliate thereof, regulated by the department of financial services;

c. security system alarm operators;

d. banks, bank holding companies, or the subsidiary or affiliate of either, or credit unions or other financial institutions, licensed under state or federal law; [~~and~~]

e. sellers and administrators of a service contract, as defined pursuant to section seven thousand nine hundred two of the insurance law[~~.~~]**;**

**and**

**f. any business, or subsidiary or affiliate thereof, regulated by the public service commission, the federal communications commission, or any other preemptive federal law or regulation.**

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

PART X

Section 1. Section 349-a of the general business law is renumbered 349-h and a new section 349-a is added to read as follows:

**§ 349-a. Pricing. 1. As used in this section, the following terms shall have the following meanings:**

**(a) "Algorithm" means a computational process that uses a set of rules to define a sequence of operations.**

**(b) "Clear and conspicuous disclosure" means disclosure in the same medium as, and provided on, at, or near and contemporaneous with every advertisement, display, image, offer or announcement of a price for which notice is required, using lettering and wording that is easily visible and understandable to the average consumer.**

**(c) "Consumer" means a natural person who is seeking or solicited to purchase, lease or receive a good or service for personal, family or household use.**

**(d) "Consumer data" means any data that identifies or could reasonably be linked, directly or indirectly, with a specific natural person or device, excluding location data.**

(e) "Dynamic pricing" means pricing that fluctuates dependent on conditions.

(f) "Personalized algorithmic pricing" means dynamic pricing derived from or set by an algorithm that uses consumer data as defined in this section, which may vary among individual consumers or consumer populations.

(g) "Person" means any natural person, firm, organization, partnership, association, corporation, or any other entity domiciled or doing business in New York state.

2. It shall constitute a deceptive act or practice in violation of section three hundred forty-nine of this article for any person to knowingly advertise, promote, label or publish a statement, display, image, offer or announcement of personalized algorithmic pricing using consumer data specific to a particular individual without a clear and conspicuous disclosure that states:

"THIS PRICE WAS SET BY AN ALGORITHM USING YOUR PERSONAL DATA".

§ 2. Subdivision 3 of section 396 of the general business law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. a. For purposes of this subdivision, "protected class data" means information about an individual person or groups of people that directly, in combination, or by implication identifies a characteristic that is legally protected from discrimination under the laws of this state or under federal law, including but not limited to ethnicity, national origin, age, disability, sex, sexual orientation, gender identity and expression, pregnancy outcomes and reproductive health care.

b. No person, firm, partnership, association or corporation, or agent or employee thereof, shall use protected class data in setting a price for, offering, marketing, or selling any good or service if (1) the use of that data has the effect of withholding or denying any of the accommodations, advantages, and privileges accorded to others, or (2) the price for such good or service is different from the price offered to other individuals or groups based in whole or in part on the use of protected class data.

§ 3. Paragraph d of subdivision 4 of section 396 of the general business law, as added by chapter 689 of the laws of 2022 and as renumbered by section two of this act, is amended to read as follows:

d. In addition to any other remedies provided in this section, any person aggrieved by a violation of subdivision three of this section may file an action in accordance with section two hundred ninety-seven of the executive law. Nothing in this section shall in any way limit rights or remedies which are otherwise available under law to the attorney general or any other person authorized to bring an action under this section.

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

PART Y

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

ARTICLE 14-B

BUY-NOW-PAY-LATER LENDERS

Section 735. Short title.

736. Definitions.

737. License.

738. Conditions precedent to issuing a license; procedure where application is denied.
739. License provisions and posting.
740. Application for acquisition of control of buy-now-pay-later lender by purchase of stock.
741. Grounds for revocation or suspension of license; procedure.
742. Superintendent authorized to examine.
743. Licensee's books and records; reports.
744. Acts prohibited.
745. Interest and other charges.
746. Consumer protections.
747. Authority of superintendent.
748. Penalties.
749. Severability.

§ 735. Short title. This article shall be known and may be cited as the "buy-now-pay-later act".

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

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

2. "Buy-now-pay-later loan" means closed-end credit provided to a consumer in connection with such consumer's particular purchase of goods and/or services, other than a motor vehicle as defined under section one hundred twenty-five of the vehicle and traffic law. A "buy-now-pay-later loan" does not include credit where the creditor is the seller of such goods and/or services, unless it is credit pursuant to an agreement whereby, at a consumer's request, the creditor purchases a specific good and/or service from a seller and resells such specific good and/or service to such consumer on closed-end credit.

3. "Buy-now-pay-later lender" means a person who offers buy-now-pay-later loans in this state. For purposes of the preceding sentence, "offer" means offering to make a buy-now-pay-later loan by extending credit directly to a consumer or operating a platform, software or system with which a consumer interacts and the primary purpose of which is to allow third parties to offer buy-now-pay-later loans, or both. A person shall not be considered a buy-now-pay-later lender on the basis of isolated, incidental or occasional transactions which otherwise meet the definitions of this section.

4. "Exempt organization" means any banking organization or foreign banking corporation licensed by the superintendent or the comptroller of the currency to transact business in this state or originating buy-now-pay-later loans from a branch in this state subject to article five-C of this chapter, licensed lender licensed by the superintendent under article nine of this chapter, national bank, federal savings bank, federal savings and loan association, federal credit union, or state depository institution or state credit union as defined in 12 U.S.C. §§ 1813(c)(5) and 1752(6) respectively.

5. "Licensee" means a person who has been issued a license under this article.

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

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

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

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

4. A license granted under this article shall be valid unless revoked or suspended by the superintendent or unless surrendered by the licensee and accepted by the superintendent.

5. In connection with an application for a license, the applicant shall submit an affidavit of financial solvency, including financial statements, noting such capitalization requirements and access to such credit or such other affirmation or information as may be prescribed by the regulations of the superintendent.

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

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

3. The superintendent may promulgate rules and regulations setting capital requirements to ensure the solvency and financial integrity of licensees and their ongoing operations, taking into account the risks, volume of business, complexity, and other relevant factors regarding such licensees. Further, the superintendent may promulgate rules and regulations prescribing a methodology to calculate capital requirements with respect to licensees or categories thereof.

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

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

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

§ 740. Application for acquisition of control of buy-now-pay-later lender by purchase of stock. 1. It shall be unlawful except with the prior approval of the superintendent for any action to be taken which

results in a change of control of the business of a licensee. Prior to any change of control, the person desirous of acquiring control of the business of a licensee shall make written application to the superintendent and pay an investigation fee as prescribed pursuant to section eighteen-a of this chapter to the superintendent. The application shall contain such information as the superintendent, by regulation, may prescribe as necessary or appropriate for the purpose of making the determination required by subdivision two of this section.

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

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

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

5. As used in this section, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a licensee, whether through the ownership of voting stock of such licensee, the ownership of voting stock of any person which possesses such power or otherwise. Control shall be presumed to exist if any person, directly or indirectly, owns, controls or holds with power to vote ten per centum or more of the voting stock of any licensee or of any person which owns, controls or holds with power to vote ten per centum or more of the voting stock of any licensee, but no person shall be deemed to control a licensee solely by reason of being an officer or director of such licensee or person. The superintendent may in the superintendent's discretion, upon the application of a licensee or any person who, directly or indirectly, owns, controls or holds with power to vote or seeks to own, control or hold with power to vote any voting stock of such licensee, determine whether or not the ownership, control or holding of such voting stock constitutes or would constitute control of such licensee for purposes of this section.

§ 741. Grounds for revocation or suspension of license; procedure. 1. A license granted under this article may be revoked or suspended by the superintendent upon a finding that:

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

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

(c) the licensee has failed to pay any sum of money lawfully demanded by the superintendent or to comply with any demand, ruling or requirement of the superintendent.

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

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

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

5. The superintendent may, for good cause, without notice and a hearing, suspend any license issued under this article for a period not exceeding thirty days, pending investigation. "Good cause," as used in this subdivision, shall exist only when the licensee has engaged in or is likely to engage in a practice prohibited by this article or the rules and regulations promulgated thereunder or engages in dishonest or inequitable practices which may cause substantial harm to the public.

6. No revocation, suspension or surrender of any license shall impair or affect any pre-existing lawful contracts between the licensee and any borrower.

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

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

§ 743. Licensee's books and records; reports. 1. A buy-now-pay-later lender shall keep and use in its business such books, accounts and records as will enable the superintendent to determine whether such buy-now-pay-later lender is complying with the provisions of this article and with the rules and regulations promulgated by the superintendent thereunder. Every buy-now-pay-later lender shall preserve such books, accounts and records for at least six years after making the final entry in respect to any buy-now-pay-later loan recorded therein; provided, however, the preservation of photographic or digital reproductions thereof or records in photographic or digital form shall constitute compliance with this requirement.

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

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

2. No buy-now-pay-later lender shall:

(a) employ any scheme, device, or artifice to defraud or mislead a borrower;

(b) engage in any unfair, deceptive or abusive act or practice toward any person or misrepresent or omit any material information in connection with the buy-now-pay-later loans, including, but not limited to, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be due on the loan, the terms and conditions of the loan agreement or the borrower's obligations under the loan;

(c) misapply payments to the outstanding balance of any buy-now-pay-later loan or to any related fees;

(d) provide inaccurate information to a consumer reporting agency; or

(e) make any false statement or make any omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the superintendent or another governmental agency.

§ 745. Interest and other charges. 1. Subject to applicable federal law, no buy-now-pay-later lender shall charge, contract for, or otherwise receive from a consumer any interest, discount, or other consideration in connection with a buy-now-pay-later loan, whether directly or indirectly, greater than the rate permitted by section 5-501 of the general obligations law.

2. The superintendent may establish a standard amount or percentage for total maximum charge or fee in connection with late payment, default or any other violation of the buy-now-pay-later loan agreement that a buy-now-pay-later lender can charge a consumer. Such fee or charge shall not be collected more than once for a single such late payment, default, or other violation of the buy-now-pay-later loan agreement.

3. The superintendent may promulgate rules and regulations regarding the manner of charging interest and fees described in this section.

§ 746. Consumer protections. 1. A buy-now-pay-later lender shall disclose or cause to be disclosed to consumers the terms of buy-now-pay-later loans, including the cost, such as interest and fees, repayment schedule, whether the transaction will or will not be reported to a credit reporting agency, and other material conditions, in a clear and conspicuous manner. Disclosures shall comply with applicable federal regulations, including but not limited to regulation Z of title I of the Consumer Credit Protection Act.

2. Subject to regulations to be promulgated by the superintendent, a buy-now-pay-later lender shall, before providing or causing to be provided a buy-now-pay-later loan to a consumer, make, or cause to be

made, a reasonable determination that such consumer has the ability to repay the buy-now-pay-later loan. No licensee shall collect, evaluate, report, or maintain in the file on a borrower the credit worthiness, credit standing, or credit capacity of members of the borrower's social network for purposes of determining the credit worthiness of the borrower; the average credit worthiness, credit standing, or credit capacity of members of the borrower's social network; or any group score that is not the borrower's own credit worthiness, credit standing, or credit capacity.

3. A buy-now-pay-later lender shall maintain or cause to be maintained policies and procedures for maintaining accurate data that may be reported to credit reporting agencies. The superintendent may promulgate rules and regulations requiring that buy-now-pay-later lenders report or cause to be reported data on buy-now-pay-later loans to credit reporting agencies, requiring that such reporting occur in a particular manner, or prohibiting such reporting.

4. A buy-now-pay-later lender shall provide or cause to be provided refunds or credits for goods or services purchased in connection with a buy-now-pay-later loan, upon consumer request, in a manner that is fair, transparent, and not unduly burdensome to consumers. A buy-now-pay-later lender shall maintain or cause to be maintained policies and procedures to provide such refunds or credits. Such policies and procedures shall be fair, transparent, and not unduly burdensome to the consumer. A buy-now-pay-later lender shall disclose or cause to be disclosed to consumers, in a clear and conspicuous manner, the process by which they can obtain refunds or credits for goods or services they have purchased in connection with a buy-now-pay-later loan.

5. A buy-now-pay-later lender shall resolve or cause to be resolved disputes in a manner that is fair and transparent to consumers. A buy-now-pay-later lender shall create or cause to be created a readily available and prominently disclosed method for consumers to bring a dispute to the buy-now-pay-later lender. A buy-now-pay-later lender shall maintain policies and procedures for handling consumer disputes. The superintendent may promulgate rules and regulations regarding treatment of unauthorized use, so that consumers are liable for use of buy-now-pay-later loans in their name only under circumstances where such liability would be fair and reasonable. A buy-now-pay-later lender shall apply to buy-now-pay-later loans the dispute rights and unauthorized charges requirements that apply to credit cards under the Truth in Lending Act, 15 U.S.C. § 1643, 1666, 1666a, 1666i, regardless of whether such law applies to buy-now-pay-later loans or whether the buy-now-pay-later lender offers a credit card within the scope of such law.

6. A buy-now-pay-later lender may use, sell, or share the data of a consumer, other than in connection with the making of a particular buy-now-pay-later loan to the consumer, only with the consumer's consent. A buy-now-pay-later lender shall disclose or cause to be disclosed to a consumer in a clear and conspicuous manner how such consumer's data may be used, shared, or sold by the buy-now-pay-later lender before obtaining such consumer's consent and also shall disclose or cause to be disclosed to such consumer in a clear and conspicuous manner how such consumer may subsequently withdraw consent to such use, sharing, or sale. The superintendent, in their discretion, may by regulation prohibit certain uses of consumer data. A buy-now-pay-later lender shall maintain policies and procedures regarding its use, sale, and sharing of consumers' data.

7. Any buy-now-pay-later loan made by a person not licensed under this article, other than an exempt organization, shall be void, and such person shall have no right to collect or receive any principal, interest or charge whatsoever.

§ 747. Authority of superintendent. 1. The superintendent is authorized to promulgate such general rules and regulations as may be appropriate to implement the provisions of this article, protect consumers, and ensure the solvency and financial integrity of buy-now-pay-later lenders. The superintendent is further authorized to make such specific rulings, demands, and findings as may be necessary for the proper conduct of the business authorized and licensed under and for the enforcement of this article, in addition hereto and not inconsistent herewith.

2. In addition to such powers as may otherwise be prescribed by law, the superintendent is hereby authorized and empowered to promulgate such rules and regulations as may in the judgment of the superintendent be consistent with the purposes of this article, or appropriate for the effective administration of this article, including, but not limited to:

(a) such rules and regulations in connection with the activities of buy-now-pay-later lenders as may be necessary and appropriate for the protection of borrowers in this state;

(b) such rules and regulations as may be necessary and appropriate to define unfair, deceptive, or abusive acts or practices in connection with the activities of buy-now-pay-later lenders;

(c) such rules and regulations as may define the terms used in this article and as may be necessary and appropriate to interpret and implement the provisions of this article; and

(d) such rules and regulations as may be necessary for the enforcement of this article.

§ 748. Penalties. 1. Any person, including any member, officer, director or employee of a buy-now-pay-later lender, who violates or participates in the violation of section seven hundred thirty-seven of this article, or who knowingly makes any incorrect statement of a material fact in any application, report or statement filed pursuant to this article, or who knowingly omits to state any material fact necessary to give the superintendent any information lawfully required by the superintendent or refuses to permit any lawful investigation or examination, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than six months or both, in the discretion of the court.

2. Without limiting any power granted to the superintendent under any other provision of this chapter, the superintendent may, in a proceeding after notice and a hearing require a buy-now-pay-later lender, whether or not a licensee, to pay to the people of this state a penalty for any violation of this chapter, any rule or regulation promulgated thereunder, any final or temporary order issued pursuant to section thirty-nine of this chapter, any condition imposed in writing by the superintendent in connection with the grant of any application or request, or any written agreement entered into with the superintendent, and for knowingly making any incorrect statement of a material fact in any application, report or statement filed pursuant to this article, or knowingly omitting to state any material fact necessary to give the superintendent any information lawfully required by the superintendent or refusing to permit any lawful investigation or examination. As to any buy-now-pay-later lender that is not a licensee or an exempt organization, the superintendent is authorized to impose a penalty in the same

amount authorized in section forty-four of this chapter for a violation of this chapter by any person licensed, certified, registered, authorized, chartered, accredited, incorporated or otherwise approved by the superintendent under this chapter.

3. No person except a buy-now-pay-later lender licensed under this article shall make, directly or indirectly, orally or in writing, or by any method, practice or device, a representation that such person is licensed under this article.

§ 749. Severability. If any provision of this article or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

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

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

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

10. All reports of examinations and investigations, correspondence and memoranda concerning or arising out of such examination and investigations, including any duly authenticated copy or copies thereof in the possession of any banking organization, bank holding company or any subsidiary thereof (as such terms "bank holding company" and "subsidiary" are defined in article three-A of this chapter), any corporation or any other entity affiliated with a banking organization within the meaning of subdivision six of this section and any non-banking subsidiary of a corporation or any other entity which is an affiliate of a banking organization within the meaning of subdivision six-a of this section, foreign banking corporation, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed mortgage banker, registered mortgage broker, licensed mortgage loan originator, licensed sales finance company, registered mortgage loan servicer, licensed student loan servicer, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, any other person or entity subject to supervision under this chapter, or the department, shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the ends of justice and the public advantage will be subserved by the publication thereof, in which event the superintendent may publish or authorize the publication of a copy of any such report or any part thereof in such manner as may be deemed proper or unless such laws specifically authorize such disclosure. For the purposes of this subdivision, "reports of examinations and investigations, and any correspondence and memoranda concerning or arising out of such examinations and investigations", includes any such materials of a bank, insurance or securities regulatory agency or any unit of the federal government or that of this state any other state or that of any foreign government which are considered confidential by such agency or unit and which are

in the possession of the department or which are otherwise confidential materials that have been shared by the department with any such agency or unit and are in the possession of such agency or unit.

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

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

5. The superintendent may extend at [~~his~~] **the superintendent's** discretion the time within which a banking organization, foreign banking corporation licensed by the superintendent to do business in this state, bank holding company or any non-banking subsidiary thereof, licensed casher of checks, licensed mortgage banker, private banker**, licensed buy-now-pay-later lender** or licensed lender is required to make and file any report to the superintendent.

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

§ 39. Orders of superintendent. 1. To appear and explain an apparent violation. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business or maintain a representative office in this state has violated any law or regulation, [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, issue an order describing such apparent violation and requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation to appear before [~~him or her~~] **the superintendent**, at a time and place fixed in said order, to present an explanation of such apparent violation.

2. To discontinue unauthorized or unsafe and unsound practices. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales

finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business in this state is conducting business in an unauthorized or unsafe and unsound manner, [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, issue an order directing the discontinuance of such unauthorized or unsafe and unsound practices, and fixing a time and place at which such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation may voluntarily appear before [~~him or her~~] **the superintendent** to present any explanation in defense of the practices directed in said order to be discontinued.

3. To make good impairment of capital or to ensure compliance with financial requirements. Whenever it shall appear to the superintendent that the capital or capital stock of any banking organization, bank holding company or any subsidiary thereof which is organized, licensed or registered pursuant to this chapter, is impaired, or the financial requirements imposed by subdivision one of section two hundred two-b of this chapter or any regulation of the superintendent on any branch or agency of a foreign banking corporation or the financial requirements imposed by this chapter or any regulation of the superintendent on any licensed lender, **licensed buy-now-pay-later lender,** registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner or private banker are not satisfied, the superintendent may, in the superintendent's discretion, issue an order directing that such banking organization, bank holding company, branch or agency of a foreign banking corporation, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, or private banker make good such deficiency forthwith or within a time specified in such order.

4. To make good encroachments on reserves. Whenever it shall appear to the superintendent that either the total reserves or reserves on hand of any banking organization, branch or agency of a foreign banking corporation are below the amount required by or pursuant to this chapter or any other applicable provision of law or regulation to be maintained, or that such banking organization, branch or agency of a foreign banking corporation is not keeping its reserves on hand as required by this chapter or any other applicable provision of law or regulation, [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, issue an order directing that such banking organization, branch or agency of a foreign banking corporation make good such reserves forthwith or within a time specified in such order, or that it keep its reserves on hand as required by this chapter.

5. To keep books and accounts as prescribed. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, agency or branch of a foreign banking corporation licensed by the superintendent to do business in this state, does not keep its books and accounts in such manner as to enable [~~him or her~~] **the superintendent** to readily ascertain its true condition, [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, issue an order requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, or foreign banking corporation, or the officers or agents thereof, or any of them, to open and keep such books or accounts as [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, determine and prescribe for the purpose of keeping accurate and convenient records of its transactions and accounts.

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

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

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

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

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

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

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

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

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

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

5. The name of every banking organization, licensed lender, licensed casher of checks, **licensed buy-now-pay-later lender** and foreign corporation which has applied for leave to change its place or one of its places of business and the places from and to which the change is proposed to be made; the name of every banking organization which has applied to change the designation of its principal office to a branch office and to change the designation of one of its branch offices to its principal office, and the location of the principal office which is proposed to be redesignated as a branch office and of the branch office which is proposed to be redesignated as the principal office.

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

6. The name of every banking organization, licensed lender, licensed casher of checks, **licensed buy-now-pay-later lender** and foreign corporation authorized to change its place or one of its places of business and the date when and the places from and to which the change is authorized to be made; the name of every banking organization authorized to change the designation of its principal office to a branch office and to change the designation of a branch office to its principal office, the location of the redesignated principal office and of the redesignated branch office, and the date of such change.

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

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

§ 13. This act shall take effect on the one hundred eightieth day after the department of financial services shall have promulgated rules and/or regulations to effectuate the provisions of this act; provided that the department of financial services shall notify the legislative bill drafting commission upon the occurrence of the promulgation of the rules and regulations necessary to effectuate and enforce the provisions of section two of this act, in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation authorized to be made by the superintendent pursuant to this act is authorized to be made and completed on or before such effective date.

PART Z

Section 1. Section 2911 of the insurance law is amended by adding a new subsection (d) to read as follows:

(d) (1) Not later than July first of each year, a pharmacy benefit manager required to be licensed under this article shall publish a report on its website which contains, for the immediately preceding calendar year, the following information:

(A) the aggregated dollar amount of rebates, fees, price protection payments and any other payments the pharmacy benefit manager received from drug manufacturers through a rebate contract;

(B) the portions of the amount in subparagraph (A) of this paragraph which were:

(i) passed on to health plans; or

(ii) retained by the pharmacy benefit manager; and

(C) for each rebate contract in effect during the reporting period:

(i) the names of the contracting parties;

(ii) the execution date and the term of the contract, including extensions;

(iii) the name of the drugs and the associated national drug codes covered by the rebate contract, and for each drug:

(I) a summary of the contract terms regarding formulary placement, formulary exclusion, or prior authorization requirements or step edits, of any drugs considered to compete with each drug;

(II) a summary of all terms requiring or incentivizing volume or market share for each drug, including base rebate amounts, bundled rebates and incremental rebates, stated separately, and price concession, stated separately for each drug; and

(III) the total number of prescriptions filled and units dispensed for which a rebate, discount, price concession or other consideration was received by the pharmacy benefit manager for each drug;

(iv) the rebate percentage and dollar amount retained by the pharmacy benefit manager for every rebate, discount, price concession or other consideration under each rebate contract; and

(v) the dollar amount of any other compensation paid by a drug manufacturer to a pharmacy benefit manager for services including distribution management services, data or data services, marketing or promotional services, research programs, or other ancillary services, under each rebate contract.

(D) For the purposes of this subsection, the term "rebate contract" means any agreement entered into by a pharmacy benefit manager with any drug manufacturer or agent or affiliate of a drug manufacturer that determines any rebate, discount, administrative or other fee, price concession, or other consideration related to the dispensing of prescription drugs for a health plan.

(E) A copy of the report required by this subsection shall be filed with the superintendent and with the department of health no later than July first each year.

§ 2. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act.

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

PART AA

Section 1. The general business law is amended by adding a new section 352-m to read as follows:

§ 352-m. Protecting eligible adults from exploitation. 1. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Adult protective services" means the division of the New York city human resources administration and each county agency responsible for providing adult protective services pursuant to section four hundred seventy-three of the social services law.

(b) "Eligible adult" means an individual who is: sixty years of age or older; or at least the age of eighteen and who, because of mental or physical impairment, is unable to manage their own resources or protect themselves from financial exploitation without assistance from others.

(c) "Financial exploitation" means: (i) the improper use of an eligible adult's funds, property, income or assets; or (ii) any act or omission by a person, including through the use of a power of attorney, guardianship or any other authority regarding an eligible adult to: (A) obtain control, through deception, intimidation, threats or undue influence over the eligible adult's money, assets, income or property; or

(B) convert the eligible adult's money, assets, income or property.

(d) "Law enforcement agency" means any agency, which is empowered by law to make an arrest for a felony, and any agency which is authorized by law to prosecute a felony and including any police officer as defined by subdivision thirty-four of section 1.20 of the criminal procedure law and any prosecutor.

(e) "Qualified individual" means any agent, investment adviser representative or person who serves in a supervisory, compliance, legal, or senior or vulnerable adult protection capacity for a broker-dealer or investment adviser.

2. Notification. If a broker-dealer, investment adviser, or qualified individual reasonably believes financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, such broker-dealer, investment adviser, or qualified individual may promptly notify the adult protective services and/or law enforcement.

3. Application of transaction hold. (a) If a broker-dealer, investment adviser, or qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, then such broker-dealer, investment adviser, or qualified individual may place a transaction hold on such transaction.

(b) A broker-dealer, investment adviser, or qualified individual shall hold a transaction if adult protective services or a law enforcement agency notifies such broker-dealer, investment adviser, or qualified individual that it reasonably believes that the transaction is the subject of or related to financial exploitation of an eligible adult.

(c) A broker-dealer, investment adviser, or qualified individual that applies a transaction hold shall: (i) provide notice of such hold, in writing, to all parties authorized to transact business on the account that is the subject of a transaction hold, as well as any designated third party, no later than two business day after the application of the transaction hold; (ii) if the transaction hold has been applied pursuant to paragraph (a) of this subdivision, no later than two business days after application of the transaction hold, notify adult protective services and/or a law enforcement agency of the belief of financial exploitation and the transaction hold; and (iii) at the request of adult protective services or a law enforcement agency, provide any information

and documents relating to the transaction hold within three business days after the request for such information or documents.

4. Duration of transaction hold. A transaction hold shall expire fifteen business days after its application except that (i) a transaction hold may be extended for up to forty additional business days if there is a continued reasonable belief of exploitation, unless sooner terminated or further extended by adult protective services, law enforcement, any agency of competent jurisdiction or a court of competent jurisdiction; (ii) if a broker-dealer, investment adviser, or qualified individual no longer reasonably believes that a transaction is the subject of or related to financial exploitation, it shall release such transaction, provided that adult protective services or the law enforcement agency that the broker-dealer, investment adviser, or qualified individual has notified of such hold pursuant to subparagraph (i) of paragraph (c) of subdivision three of this section does not object.

5. Records. A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to adult protective services, an agency of competent jurisdiction, and law enforcement, either as part of a notification or at the request of adult protective services, a law enforcement agency, or an agency of competent jurisdiction. All records made available to adult protective services, an agency of competent jurisdiction, or law enforcement shall be considered confidential records and shall not be available for examination by the public.

6. Trainings and written procedures. Before placing a delay on a disbursement or transaction pursuant to this section, a broker-dealer, investment adviser, or qualified individual must do all of the following: (a) develop training policies or programs reasonably designed to educate employees who perform or approve transactions on behalf of customers on issues pertaining to financial exploitation of specified adults; (b) conduct training for employees described in paragraph (a) of this subdivision as soon as reasonably practicable and maintain a written record of all trainings conducted. With respect to an individual who begins employment with covered broker-dealer, investment adviser, or qualified individual after July first, two thousand twenty-four, such training must be conducted within one year after the date on which the individual becomes employed by or affiliated or associated with the covered broker-dealer, investment adviser, or qualified individual; and (c) develop, maintain, and enforce written procedures regarding the manner in which suspected financial exploitation is reviewed internally, including, if applicable, the manner in which suspected financial exploitation is required to be reported to supervisory personnel.

7. Immunity. A broker-dealer, investment adviser, or a qualified individual shall be immune from civil and administrative liability for good faith actions in relation to the application of this section.

8. Regulations. The attorney general may promulgate regulations to effectuate the purposes of this section, including setting forth factors that a broker-dealer, investment adviser, or qualified individual may consider in determining whether to apply a transaction hold to a transaction pursuant to paragraph (a) of subdivision one of this section, the form and manner of any notification mandated by subdivision one of this section, and the implementation of training programs for a broker-dealer, investment adviser, or qualified individual relating to recognizing financial exploitation.

9. Communication with reporters. Notwithstanding any other law to the contrary, adult protective services, law enforcement or any agency of competent jurisdiction may provide a general case status or final disposition to a broker-dealer, investment adviser, or qualified individual that reported such a case to an agency.

10. Alteration of obligations. Absent a reasonable belief of financial exploitation as provided in this section, this section does not otherwise alter a broker-dealer, investment adviser, or qualified individual's obligations to all parties authorized to transact business on an account and any trusted contact named on such account.

§ 2. The banking law is amended by adding a new section 4-d to read as follows:

§ 4-d. Protecting eligible adults from financial exploitation. 1. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Adult protective services" means the division of the New York city human resources administration and each county agency responsible for providing adult protective services pursuant to section four hundred seventy-three of the social services law.

(b) "Banking institution" means any bank, trust company, savings bank, savings and loan association, credit union or branch of a foreign banking corporation that is chartered, organized or licensed under the laws of this state or any other state or the United States, and, in the ordinary course of business offers deposit accounts in this state.

(c) "Financial exploitation" means: (i) the improper use of an eligible adult's funds, property, income or assets; or (ii) any act or omission by a person, including through the use of a power of attorney, guardianship or any other authority regarding an eligible adult to: (A) obtain control, through deception, intimidation, threats or undue influence over the eligible adult's money, assets, income or property; or

(B) convert the eligible adult's money, assets, income or property.

(d) "Law enforcement agency" means any agency, which is empowered by law to make an arrest for a felony, and any agency which is authorized by law to prosecute a felony and including any police officer as defined by subdivision thirty-four of section 1.20 of the criminal procedure law and any prosecutor.

(e) "Eligible adult" means an individual who is: sixty years of age or older; or at least the age of eighteen and who, because of mental or physical impairment, is unable to manage their own resources or protect themselves from financial exploitation without assistance from others.

2. Application of transaction hold. (a) If a banking institution or an employee of a banking institution reasonably believes that a financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, then the banking institution may place a transaction hold on such transaction.

(b) A banking institution shall apply a transaction hold to a transaction if adult protective services or a law enforcement agency notifies the banking institution that it reasonably believes that the transaction is the subject of or related to financial exploitation of an eligible adult.

(c) A banking institution that applies a transaction hold shall: (i) provide notice of such hold, in writing, to all parties authorized to transact business on the account that is the subject of a transaction hold, as well any designated third party, no later than two business days after the application of the transaction hold; (ii) if the transaction hold has been applied pursuant to paragraph (a) of this subdivi-

sion, no later than two business days after application of the transaction hold, notify adult protective services and/or a law enforcement agency of the belief of financial exploitation and the transaction hold; and (iii) at the request of adult protective services or a law enforcement agency, provide any information and documents relating to the transaction hold within three business days after the request for such information or documents.

3. Before placing a delay on a disbursement or transaction pursuant to this section, a financial institution must do all of the following:

(a) Develop training policies or programs reasonably designed to educate employees who perform or approve transactions on behalf of customers on issues pertaining to financial exploitation of specified adults.

(b) Conduct training for employees described in paragraph (a) of this subdivision as soon as reasonably practicable and maintain a written record of all trainings conducted. With respect to an individual who begins employment with a covered financial institution after July first, two thousand twenty-four, such training must be conducted within one year after the date on which the individual becomes employed by or affiliated or associated with the covered financial institution.

(c) Develop, maintain, and enforce written procedures regarding the manner in which suspected financial exploitation is reviewed internally, including, if applicable, the manner in which suspected financial exploitation is required to be reported to supervisory personnel.

4. Notification. If a banking institution reasonably believes financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, the banking institution may promptly notify the adult protective services and law enforcement.

5. Duration of transaction hold. A transaction hold shall expire fifteen business days after its application except that (i) a transaction hold may be extended for up to forty additional business days upon request if there is a continued reasonable belief of exploitation, unless sooner terminated or further extended by adult protective services, law enforcement, any agency of competent jurisdiction or a court of competent jurisdiction; (ii) if a banking institution no longer reasonably believes that a transaction is the subject of or related to financial exploitation, it shall release such transaction, provided that adult protective services or the law enforcement agency that the banking institution has notified of such hold pursuant to subparagraph (i) of paragraph (c) of subdivision two of this section does not object.

6. Records. A banking institution shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to adult protective services, an agency of competent jurisdiction, and law enforcement, either as part of a notification or at the request of adult protective services, a law enforcement agency, or an agency of competent jurisdiction. All records made available to adult protective services, an agency of competent jurisdiction, or law enforcement shall be considered confidential records and shall not be available for examination by the public.

7. Regulations. The superintendent may promulgate regulations to effectuate the purposes of this section, including setting forth factors that a banking institution may consider in determining whether to apply a transaction hold to a transaction pursuant to paragraph (a) of subdivision two of this section, the form and manner of any notification mandated by subdivision two of this section, and the implementation of

training programs for banking institution staff relating to recognizing financial exploitation.

8. Immunity. A banking institution or an employee of a banking institution shall be immune from civil and administrative liability for good faith actions in relation to the application of this section.

9. Communication with reporters. Notwithstanding any other law to the contrary, adult protective services, law enforcement or any agency of competent jurisdiction may provide a general case status or final disposition to a banking institution that reported such a case to an agency.

10. Absent a reasonable belief of financial exploitation as provided in this section, this section does not otherwise alter a financial institution's obligations to all parties authorized to transact business on an account and any trusted contact named on such account.

§ 3. Section 473 of the social services law is amended by adding a new subdivision 5-a to read as follows:

5-a. Whenever a social services official, or their designee authorized or required to determine the need for, or to provide or arrange for the provision of protective services to adults in accordance with the provisions of this title has a reason to believe that financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, the social services official or their designee must report this information to the appropriate law enforcement agency and notify any broker-dealer, investment adviser, or banking institution involved in the relevant financial transactions of the need to hold a transaction.

§ 4. Paragraph (g) of subdivision 6 of section 473 of the social services law, as added by chapter 395 of the laws of 1995, is amended to read as follows:

(g) "Financial exploitation" means:

(i) the improper use of an adult's funds, property, income or [~~resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers or denial of access to assets~~] assets; or

(ii) any act or omission by a person, including through the use of a power of attorney, guardianship or any other authority regarding an adult to: (A) obtain control, through deception, intimidation, threats or undue influence over the adult's money, assets, income or property; or (B) convert the adult's money, assets, income or property.

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

PART BB

Section 1. The section heading of section 3457 of the insurance law, as amended by chapter 85 of the laws of 2021, is amended to read as follows:

Group insurance policies for [~~certain~~] insuring for hire motor vehicles.

§ 2. Paragraph 2 of subsection (a) of section 3457 of the insurance law, as amended by chapter 85 of the laws of 2021, is amended to read as follows:

(2) "For hire motor vehicle" or "vehicle" means a motor vehicle engaged in the business of carrying or transporting passengers for hire[~~, having a seating capacity of not less than eight passengers, excluding the driver~~].

§ 3. This act shall take effect immediately.

PART CC

Section 1. Paragraph 2 of subsection (b) of section 2305 of the insurance law, as amended by chapter 129 of the laws of 2022, is amended to read as follows:

(2) motor vehicle insurance, or surety bonds, required by section three hundred seventy of the vehicle and traffic law [~~or~~]**, except as provided in section two thousand three hundred twenty-eight of this article,** article forty-four-B of the vehicle and traffic law, or article forty of the general business law;

§ 2. Section 2328 of the insurance law, as amended by section 1 of part NN of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2328. [~~Certain~~] **For hire** motor vehicle insurance rates[~~; prior approval. No changes in rates, rating plans, rating rules and rate manuals applicable to motor vehicle insurance, including no-fault coverages under article fifty-one of this chapter, shall be made effective until approved by the superintendent, notwithstanding any inconsistent provisions of this article~~]. **(a) Overall average (for all coverages combined) rate level increases above an insurer's rates in effect that are up to a percentage specified in a regulation promulgated by the superintendent but not to exceed five percent, may take effect without the superintendent's prior approval. An insurer shall not implement more than two rate increases pursuant to this section, the total of which shall not exceed the limitation specified in a regulation, during any twelve-month period. An insurer also shall not implement a rate increase within the limitation specified in a regulation until the onset of the new policy period.**

**(b)** This section shall apply only to policies covering losses or liabilities arising out of ownership of a motor vehicle used principally for the transportation of persons for hire, [~~including~~] **other than** a bus or a school bus as defined in sections one hundred four and one hundred forty-two of the vehicle and traffic law.

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

PART DD

Section 1. Section 2328 of the insurance law, as amended by section 1 of part NN of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2328. [~~Certain~~] **For hire** motor vehicle insurance rates[~~; prior approval~~]. **(a) An insurer shall submit to the superintendent, for the superintendent's prior approval, its rates, rating plans, rating rules, and rate manuals applicable to motor vehicle insurance, including no-fault coverages under article fifty-one of this chapter, by August first, two thousand twenty-five and at least every three years thereafter, unless the superintendent requests the rates, rating plans, rating rules, or rating manuals more frequently. For rates submitted on or before August first, two thousand twenty-five, the superintendent may approve the phasing in of rates that meet the standards set forth in section two thousand three hundred three of this article if the super-**

intendent determines that it would be in the best interests of the people of this state.

(b) No changes in rates, rating plans, rating rules and rate manuals applicable to motor vehicle insurance, including no-fault coverages under article fifty-one of this chapter, shall be made effective until approved by the superintendent, notwithstanding any inconsistent provisions of this article.

(c) This section shall apply only to policies covering losses or liabilities arising out of ownership of a motor vehicle used principally for the transportation of persons for hire, [~~including~~] other than a bus or a school bus as defined in sections one hundred four and one hundred forty-two of the vehicle and traffic law.

§ 2. This act shall take effect immediately.

PART EE

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part Z of chapter 58 of the laws of 2024, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [~~2025~~] 2028.

§ 2. This act shall take effect immediately.

PART FF

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part AA of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [~~2025~~] 2028, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately.

PART GG

Section 1. Section 2 of part BB of chapter 58 of the laws of 2012 amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, as amended by section 1 of part LL of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, [~~2025~~] 2027.

§ 2. The dormitory authority of the state of New York shall provide a report providing information regarding any project undertaken pursuant to a design and construction management agreement, as authorized by part BB of chapter 58 of the laws of 2012, between the dormitory authority of the state of New York and the department of environmental conservation

and/or the office of parks, recreation and historic preservation to the governor, the temporary president of the senate and speaker of the assembly. Such report shall include but not be limited to a description of each such project, the project identification number of each such project, if applicable, the projected date of completion, the status of the project, the total cost or projected cost of each such project, and the location, including the names of any county, town, village or city, where each such project is located or proposed. In addition, such a report shall be provided to the aforementioned parties by the first day of March of each year that the authority to enter into such agreements pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2025.

## PART HH

Section 1. Short title. This act shall be known and may be cited as the "private activity bond allocation act of 2025".

§ 2. Legislative findings and declaration. The legislature hereby finds and declares that the federal tax reform act of 1986 established a statewide bond volume ceiling on the issuance of certain tax exempt private activity bonds and notes and, under certain circumstances, governmental use bonds and notes issued by the state and its public authorities, local governments, agencies which issue on behalf of local governments, and certain other issuers. The federal tax reform act establishes a formula for the allocation of the bond volume ceiling which was subject to temporary modification by gubernatorial executive order until December 31, 1987. That act also permits state legislatures to establish, by statute, an alternative formula for allocating the volume ceiling. Bonds and notes subject to the volume ceiling require an allocation from the state's annual volume ceiling in order to qualify for federal tax exemption.

It is hereby declared to be the policy of the state to maximize the public benefit through the issuance of private activity bonds for the purposes of, among other things, allocating a fair share of the bond volume ceiling upon initial allocation and from a bond reserve to local agencies and for needs identified by local governments; providing housing and promoting economic development; job creation; an economical energy supply; and resource recovery and to provide for an orderly and efficient volume ceiling allocation process for state and local agencies by establishing an alternative formula for making such allocations.

§ 3. Definitions. As used in this act, unless the context requires otherwise:

1. "Bonds" means bonds, notes or other obligations.

2. "Carryforward" means an amount of unused private activity bond ceiling available to an issuer pursuant to an election filed with the internal revenue service pursuant to section 146(f) of the code.

3. "Code" means the internal revenue code of 1986, as amended.

4. "Commissioner" means the commissioner of the New York state department of economic development.

5. "Covered bonds" means those tax exempt private activity bonds and that portion of the non-qualified amount of an issue of governmental use bonds for which an allocation of the statewide ceiling is required for the interest earned by holders of such bonds to be excluded from the gross income of such holders for federal income tax purposes under the code.

6. "Director" means the director of the New York state division of the budget.

7. "Issuer" means a local agency, state agency or other issuer.

8. "Local agency" means an industrial development agency established or operating pursuant to article 18-A of the general municipal law, the Troy industrial development authority and the Auburn industrial development authority.

9. "Other issuer" means any agency, political subdivision or other entity, other than a local agency or state agency, that is authorized to issue covered bonds.

10. "Qualified small issue bonds" means qualified small issue bonds, as defined in section 144(a) of the code.

11. "State agency" means the state of New York, the New York state energy research and development authority, the New York job development authority, the New York state environmental facilities corporation, the New York state urban development corporation and its subsidiaries, the Battery Park city authority, the port authority of New York and New Jersey, the power authority of the state of New York, the dormitory authority of the state of New York, the New York state housing finance agency, the state of New York mortgage agency, and any other public benefit corporation or public authority designated by the governor for the purposes of this act.

12. "Statewide ceiling" means for any calendar year the highest state ceiling (as such term is used in section 146 of the code) applicable to New York state.

13. "Future allocations" means allocations of statewide ceiling for up to two future years.

14. "Multi-year housing development project" means a project (a) which qualifies for covered bonds; (b) which is to be constructed over two or more years and (c) in which at least twenty percent of the dwelling units will be occupied by persons and families of low income.

§ 4. Local agency set-aside. A set-aside of statewide ceiling for local agencies for any calendar year shall be an amount which bears the same ratio to one-third of the statewide ceiling as the population of the jurisdiction of such local agency bears to the population of the entire state. The commissioner shall administer allocations of such set-aside to local agencies.

§ 5. State agency set-aside. A set-aside of statewide ceiling for all state agencies for any calendar year shall be one-third of the statewide ceiling. The director shall administer allocations of such set-aside to state agencies and may grant an allocation to any state agency upon receipt of an application in such form as the director shall require.

§ 6. Statewide bond reserve. One-third of the statewide ceiling is hereby set aside as a statewide bond reserve to be administered by the director.

1. Allocation of the statewide bond reserve among state agencies, local agencies and other issuers. The director shall transfer a portion of the statewide bond reserve to the commissioner for allocation to and use by local agencies and other issuers in accordance with the terms of this section. The remainder of the statewide bond reserve may be allocated by the director to state agencies in accordance with the terms of this section.

2. Allocation of statewide bond reserve to local agencies or other issuers.

(a) Local agencies or other issuers may at any time apply to the commissioner for an allocation from the statewide bond reserve. Such application shall demonstrate:

(i) that the requested allocation is required under the code for the interest earned on the bonds to be excluded from the gross income of bondholders for federal income tax purposes;

(ii) that the local agency's remaining unused allocation provided pursuant to section four of this act, and other issuer's remaining unused allocation, or any available carryforward will be insufficient for the specific project or projects for which the reserve allocation is requested; and

(iii) that, except for those allocations made pursuant to section thirteen of this act to enable carryforward elections, the requested allocation is reasonably expected to be used during the calendar year, and the requested future allocation is reasonably expected to be used in the calendar year to which the future allocation relates.

(b) In reviewing and approving or disapproving applications, the commissioner shall exercise discretion to ensure an equitable distribution of allocations from the statewide bond reserve to local agencies and other issuers. Prior to making a determination on such applications, the commissioner shall notify and seek the recommendation of the president and chief executive officer of the New York state housing finance agency in the case of an application related to the issuance of multifamily housing or mortgage revenue bonds, and in the case of other requests, such state officers, departments, divisions and agencies as the commissioner deems appropriate.

(c) Applications for allocations shall be made in such form and contain such information and reports as the commissioner shall require.

(d) On or before September fifteenth of each year, the commissioner shall publish the total amount of local agency set-aside that has been recaptured pursuant to section twelve of this act for that year on the department of economic development's website.

3. Allocation of statewide bond reserve to state agencies. The director may make an allocation from the statewide bond reserve to any state agency. Before making any allocation of statewide bond reserve to state agencies the director shall be satisfied:

(a) that the allocation is required under the code for the interest earned on the bonds to be excluded from the gross income of bondholders for federal income tax purposes;

(b) that the state agency's remaining unused allocation provided pursuant to section five of this act or any available carryforward will be insufficient to accommodate the specific bond issue or issues for which the reserve allocation is requested; and

(c) that, except for those allocations made pursuant to section thirteen of this act to enable carryforward elections, the requested allocation is reasonably expected to be used during the calendar year, and the requested future allocation is reasonably expected to be used in the calendar year to which the future allocation relates.

§ 7. Access to employment opportunities. 1. All issuers shall require that any new employment opportunities created in connection with industrial or manufacturing projects financed through the issuance of qualified small issue bonds shall be listed with the New York state department of labor and with the one-stop career center established pursuant to the federal Workforce Innovation and Opportunity Act (Pub. L. No. 113-128) serving the locality in which the employment opportunities are being created. Such listing shall be in a manner and form prescribed by

the commissioner. All issuers shall further require that for any new employment opportunities created in connection with an industrial or manufacturing project financed through the issuance of qualified small issue bonds by such issuer, industrial or manufacturing firms shall first consider persons eligible to participate in the Workforce Innovation and Opportunity Act (Pub. L. No. 113-128) programs who shall be referred to the industrial or manufacturing firm by one-stop centers in local workforce investment areas or by the department of labor. Issuers of qualified small issue bonds are required to monitor compliance with the provisions of this section as prescribed by the commissioner.

2. Nothing in this section shall be construed to require users of qualified small issue bonds to violate any existing collective bargaining agreement with respect to the hiring of new employees. Failure on the part of any user of qualified small issue bonds to comply with the requirements of this section shall not affect the allocation of bonding authority to the issuer of the bonds or the validity or tax exempt status of such bonds.

§ 8. Overlapping jurisdictions. In a geographic area represented by a county local agency and one or more sub-county local agencies, the allocation granted by section four of this act with respect to such area of overlapping jurisdiction shall be apportioned one-half to the county local agency and one-half to the sub-county local agency or agencies. Where there is a local agency for the benefit of a village within the geographic area of a town for the benefit of which there is a local agency, the allocation of the village local agency shall be based on the population of the geographic area of the village, and the allocation of the town local agency shall be based upon the population of the geographic area of the town outside of the village. Notwithstanding the foregoing, a local agency may surrender all or part of its allocation for such calendar year to another local agency with an overlapping jurisdiction. Such surrender shall be made at such time and in such manner as the commissioner shall prescribe.

§ 9. Ineligible local agencies. To the extent that any allocation of the local agency set-aside would be made by this act to a local agency which is ineligible to receive such allocation under the code or under regulations interpreting the state volume ceiling provisions of the code, such allocation shall instead be made to the political subdivision for whose benefit that local agency was created.

§ 10. Municipal reallocation. The chief executive officer of any political subdivision or, if such political subdivision has no chief executive officer, the governing board of the political subdivision for the benefit of which a local agency has been established, may withdraw all or any portion of the allocation granted by section four of this act to such local agency. The political subdivision may then reallocate all or any portion of such allocation, as well as all or any portion of the allocation received pursuant to section nine of this act, to itself or any other issuer established for the benefit of that political subdivision or may assign all or any portion of the allocation received pursuant to section nine of this act to the local agency created for its benefit. The chief executive officer or governing board of the political subdivision, as the case may be, shall notify the commissioner of any such reallocation.

§ 11. Future allocations for multi-year housing development projects. 1. In addition to other powers granted under this act, the commissioner is authorized to make the following future allocations of statewide ceiling for any multi-year housing development project for which the

commissioner also makes an allocation of statewide ceiling for the current year under this act or for which, in the event of expiration of provisions of this act described in section eighteen of this act, an allocation of volume cap for a calendar year subsequent to such expiration shall have been made under section 146 of the code: (a) to local agencies from the local agency set-aside (but only with the approval of the chief executive officer of the political subdivision to which the local agency set-aside relates or the governing body of a political subdivision having no chief executive officer) and (b) to other issuers from that portion, if any, of the statewide bond reserve transferred to the commissioner by the director. Any future allocation made by the commissioner shall constitute an allocation of statewide ceiling for the future year specified by the commissioner and shall be deemed to have been made on the first day of the future year so specified.

2. In addition to other powers granted under this act, the director is authorized to make future allocations of statewide ceiling from the state agency set-aside or from the statewide bond reserve to state agencies for any multi-year housing development project for which the director also makes an allocation of statewide ceiling from the current year under this act or for which, in the event of expiration of provisions of this act described in section eighteen of this act, an allocation of volume cap for a calendar year subsequent to such expiration shall have been made under section 146 of the code, and is authorized to make transfers of the statewide bond reserve to the commissioner for future allocations to other issuers for multi-year housing development projects for which the commissioner has made an allocation of statewide ceiling for the current year. Any such future allocation or transfer of the statewide bond reserve for future allocation made by the director shall constitute an allocation of statewide ceiling or transfer of the statewide bond reserve for the future years specified by the director and shall be deemed to have been made on the first day of the future year so specified.

3. (a) If an allocation made with respect to a multi-year housing development project is not used by September fifteenth of the year to which the allocation relates, the allocation with respect to the then current year shall be subject to recapture in accordance with the provisions of section twelve of this act, and in the event of such a recapture, unless a carryforward election by another issuer shall have been approved by the commissioner or a carryforward election by a state agency shall have been approved by the director, all future allocations made with respect to such project pursuant to subdivision one or two of this section shall be canceled.

(b) The commissioner and the director shall have the authority to make future allocations from recaptured current year allocations and canceled future allocations to multi-year housing development projects in a manner consistent with the provisions of this act. Any such future allocation shall, unless a carryforward election by another issuer shall have been approved by the commissioner or a carryforward election by a state agency shall have been approved by the director, be canceled if the current year allocation for the project is not used by December 31, 2026.

(c) The commissioner and the director shall establish procedures consistent with the provisions of this act relating to carryforward of future allocations.

4. The aggregate future allocations from either of the two succeeding years shall not exceed six hundred fifty million dollars for each such year.

§ 12. Year end allocation recapture. On or before September first of each year, each state agency shall report to the director and each local agency and each other issuer shall report to the commissioner the amount of bonds subject to allocation under this act that will be issued prior to the end of the then current calendar year, and the amount of the issuer's then total allocation that will remain unused. As of September fifteenth of each year, the unused portion of each local agency's and other issuer's then total allocation as reported and the unallocated portion of the set-aside for state agencies shall be recaptured and added to the statewide bond reserve and shall no longer be available to covered bond issuers except as otherwise provided herein. From September fifteenth through the end of the year, each local agency or other issuer having an allocation shall immediately report to the commissioner and each state agency having an allocation shall immediately report to the director any changes to the status of its allocation or the status of projects for which allocations have been made which should affect the timing or likelihood of the issuance of covered bonds therefor. If the commissioner determines that a local agency or other issuer has overestimated the amount of covered bonds subject to allocation that will be issued prior to the end of the calendar year, the commissioner may recapture the amount of the allocation to such local agency or other issuer represented by such overestimation by notice to the local agency or other issuer, and add such allocation to the statewide bond reserve. The director may likewise make such determination and recapture with respect to state agency allocations.

§ 13. Allocation carryforward. 1. No local agency or other issuer shall make a carryforward election utilizing any unused allocation (pursuant to section 146(f) of the code) without the prior approval of the commissioner. Likewise no state agency shall make or file such an election, or elect to issue or carryforward mortgage credit certificates, without the prior approval of the director.

2. On or before November fifteenth of each year, each state agency seeking unused statewide ceiling for use in future years shall make a request for an allocation for a carryforward to the director, whose approval shall be required before a carryforward election is filed by or on behalf of any state agency. A later request may also be considered by the director, who may file a carryforward election for any state agency with the consent of such agency.

3. On or before November fifteenth of each year, each local agency or other issuer seeking unused statewide ceiling for use in future years shall make a request for an allocation for a carryforward to the commissioner, whose approval shall be required before a carryforward election is filed by or on behalf of any local or other agency. A later request may also be considered by the commissioner.

4. On or before January fifteenth of each year, the director shall publish the total amount of unused statewide ceiling from the prior year on the division of budget's website.

§ 14. New York state bond allocation policy advisory panel. 1. There is hereby created a policy advisory panel and process to provide policy advice regarding the priorities for distribution of the statewide ceiling.

2. The panel shall consist of five members, one designee being appointed by each of the following: the governor, the temporary presi-

dent of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly. The designee of the governor shall chair the panel. The panel shall monitor the allocation process through the year, and in that regard, the division of the budget and the department of economic development shall assist and cooperate with the panel as provided in this section. The advisory process shall operate through the issuance of advisory opinions by members of the panel as provided in subdivisions six and seven of this section. A meeting may be held at the call of the chair with the unanimous consent of the members.

3. (a) Upon receipt of a request for allocation or a request for approval of a carryforward election from the statewide reserve from a local agency or other issuer, the commissioner shall, within five working days, notify the panel of such request and provide the panel with copies of all application materials submitted by the applicant.

(b) Upon receipt of a request for allocation or a request for approval of carryforward election from the statewide reserve from a state agency, the director shall, within five working days, notify the panel of such request and provide the panel with copies of all application materials submitted by the applicant.

4. (a) Following receipt of a request for allocation from a local agency or other issuer, the commissioner shall notify the panel of a decision to approve or exclude from further consideration such request, and the commissioner shall state the reasons. Such notification shall be made with or after the transmittal of the information specified in subdivision three of this section and at least five working days before formal notification is made to the applicant.

(b) Following receipt of a request for allocation from a state agency, the director shall notify the panel of a decision to approve or exclude from further consideration such request, and shall state the reasons. Such notification shall be made with or after the transmission of the information specified in subdivision three of this section and at least five working days before formal notification is made to the state agency.

5. The requirements of subdivisions three and four of this section shall not apply to adjustments to allocations due to bond sizing changes.

6. In the event that any decision to approve or to exclude from further consideration a request for allocation is made within ten working days of the end of the calendar year and in the case of all requests for consent to a carryforward election, the commissioner or director, as is appropriate, shall provide the panel with the longest possible advance notification of the action, consistent with the requirements of the code, and shall, wherever possible, solicit the opinions of the members of the panel before formally notifying any applicant of the action. Such notification may be made by means of telephone communication to the members or by written notice delivered to the Albany office of the appointing authority of the respective members.

7. Upon notification by the director or the commissioner, any member of the panel may, within five working days, notify the commissioner or the director of any policy objection concerning the expected action. If three or more members of the panel shall submit policy objections in writing to the intended action, the commissioner or the director shall respond in writing to the objection prior to taking the intended action unless exigent circumstances make it necessary to respond after the action has been taken.

8. On or before the first day of July, in any year, the director shall report to the members of the New York state bond allocation policy advisory panel on the actual utilization of volume cap for the issuance of bonds during the prior calendar year and the amount of such cap allocated for carryforwards for future bond issuance. The report shall include, for each local agency or other issuer and each state agency the initial allocation, the amount of bonds issued subject to the allocation, the amount of the issuer's allocation that remained unused, the allocation of the statewide bond reserve, carryforward allocations and recapture of allocations. Further, the report shall include projections regarding private activity bond issuance for state and local issuers for the calendar year, as well as any recommendations for legislative action. The director shall publish the report on the division of budget's website concurrently with the release of the report to the panel.

§ 15. Severability. If any clause, sentence, paragraph, section, or item of this part shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or item thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 16. Notwithstanding any provisions of this act to the contrary (1) provided that a local agency or other issuer certifies to the commissioner on or before October 1, 2025 that it has issued private activity bonds described in this act and the amount thereof which used statewide ceiling, a commitment or allocation of statewide ceiling to a local agency or other issuer made to or so used by such local agency or other issuer pursuant to the federal tax reform act of 1986 on or after January 1, 2025 and prior to the effective date of this act, in an amount which exceeds the local agency set-aside established by section four of this act, shall be first chargeable to the statewide bond reserve established pursuant to section six of this act, and (2) a commitment or allocation of statewide ceiling to a state agency made to or used by such agency pursuant to the internal revenue code, as amended, on or after January 1, 2025 and prior to the effective date of this act, shall be first chargeable to the state agency set-aside established pursuant to section five of this act, and, thereafter, to the statewide bond reserve established by section six of this act.

§ 17. Nothing contained in this act shall be deemed to supersede, alter or impair any allocation used by or committed by the director or commissioner to a state or local agency or other issuer pursuant to the federal tax reform act of 1986 and prior to the effective date of this act.

§ 18. This act shall take effect immediately; provided, however, that sections three, four, five, six, seven, eight, nine, ten, twelve, thirteen and fourteen of this act shall expire July 1, 2028 when upon such date the provisions of such sections shall be deemed repealed; except that the provisions of subdivisions two and three of section thirteen of this act shall expire and be deemed repealed February 15, 2028.

PART II

Section 1. Subdivision 32 of section 1676 of the public authorities law, as added by chapter 672 of the laws of 1993, is amended to read as follows:

32. The term "public library" shall mean [~~those libraries set forth in section five of the chapter of the laws of nineteen hundred ninety-three which added this subdivision, as defined as~~] any library chartered by the state board of regents, created by an act of the legislature, or incorporated under the not-for-profit corporation law constituting a public library [~~or as~~], an association library [~~pursuant to~~] or a free library as defined in section two hundred fifty-three of the education law.

§ 2. This act shall not affect the status as a "public library" for purposes of title 4 of article 8 of the public authorities law of those libraries set forth in section 5 of chapter 672 of the laws of 1993, as amended from time to time prior to the effective date of this act, nor shall this act impair the validity of bonds heretofore issued by the dormitory authority for the benefit of any such library.

§ 3. This act shall take effect immediately.

## PART JJ

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

Any county, city, town, and village, for the construction, reconstruction, development, improvement, expansion and/or equipping of a facility or facilities and necessary ancillary and related facilities; provided, however, that any alternative delivery authorization derived pursuant to the Infrastructure Investment Act, part F of chapter 60 of the laws of 2015, as amended by part DD of chapter 58 the laws of 2020, shall not be applicable to any project undertaken by the authority on behalf of any county, city, town, and village pursuant to this section and further providing that nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits), or result in the impairment of existing collective bargaining agreements; and (2) transfer of existing duties and functions currently performed by existing public employees for a public employer that becomes eligible to utilize the dormitory authority pursuant to this section.

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

Any county, city, town, and village, for the construction, reconstruction, development, improvement, expansion and/or equipping of a facility or facilities and necessary ancillary and related facilities; provided, however, that any alternative delivery authorization derived pursuant to the Infrastructure Investment Act, part F of chapter 60 of the laws of 2015, as amended by part DD of chapter 58 the laws of 2020 shall not be applicable to any project undertaken by the authority on behalf of any county, city, town, and village pursuant to this section and that nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits), or result in the impairment of existing collective bargaining agreements; and (2) transfer of existing duties and functions currently performed by existing public employees for a public employer that becomes eligible to utilize the dormitory authority pursuant to this section.

§ 3. Subdivision 26 of section 1678 of the public authorities law, as added by section 1 of part BB of chapter 58 of the laws of 2012, is amended to read as follows:

26. To enter into a design and construction management agreement **or other agreements** with the department of environmental conservation, **pursuant to which one or more grants may be administered or** pursuant to which one or more facilities are to be designed, constructed, reconstructed, rehabilitated, improved, furnished or equipped for such department. Any such design and construction management agreement **or other agreements** entered into pursuant to this subdivision shall provide for the following: the scope of design and construction management services **or other services** to be provided by the authority, the manner in which those services will be provided, the fees to be charged by the authority and the sources of funds for the projects. No design-build contract as defined in chapter fifty-six of the laws of two thousand eleven shall be awarded pursuant to this subdivision.

§ 4. This act shall take effect immediately; provided, however, that the amendments to subdivision 26 of section 1678 of the public authorities law made by section three of this act shall not affect the expiration and repeal of such section and shall be deemed repealed therewith.

PART KK

Section 1. The opening paragraph of subdivision (h) of section 121 of chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, as amended by section 1 of part Y of chapter 58 of the laws of 2024, is amended to read as follows:

The provisions of sections sixty-two through sixty-six of this act shall expire and be deemed repealed on July first, two thousand [~~twenty-five~~] **twenty-seven**, except that:

§ 2. This act shall take effect immediately.

PART LL

Section 1. Section 214 of the state finance law, as amended by section 1 of part P of chapter 59 of the laws of 2007, is amended to read as follows:

§ 214. Establishment and purpose; linked deposit program authorization. The excelsior linked deposit program is hereby created. The purpose of the program is to encourage and assist eligible businesses within the state to undertake eligible projects that will materially contribute to improving their performance and competitiveness. The comptroller is hereby authorized to use any moneys of the state the comptroller is authorized to invest pursuant to section ninety-eight-a of this chapter as linked deposits for the program. Not more than [~~four hundred sixty million~~] **one billion** dollars of such moneys shall be on deposit pursuant to the program at any given time. The commissioner of taxation and finance is hereby authorized to use funds in the linked deposit program fund established pursuant to section ninety-two-v of this chapter as linked deposits for the program. [~~Not more than one hundred million dollars from the linked deposit program fund shall be on deposit pursuant to the program at any given time.~~]

§ 2. This act shall take effect immediately.

PART MM

Section 1. Paragraph (d) of subdivision 6 of section 163 of the state finance law, as amended by chapter 110 of the laws of 2024, is amended to read as follows:

(d) state agencies may purchase commodities or services from those certified pursuant to article fifteen-A of the executive law and article three of the veterans' services law in an amount not exceeding [~~seven~~] **one million five** hundred [~~fifty~~] thousand dollars without a formal competitive process; and

§ 2. Subparagraph (i) of paragraph (b) of subdivision 3 of section 2879 of the public authorities law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

(i) for the selection of such contractors on a competitive basis, and provisions relating to the circumstances under which the board may by resolution waive competition, including, notwithstanding any other provision of law requiring competition, the purchase of goods or services from**: (A)** small business concerns [~~those certified as minority or women-owned business enterprises,~~] or goods or technology that are recycled or remanufactured, in an amount not to exceed five hundred thousand dollars without a formal competitive process**, and (B) those certified as minority- or women-owned business enterprises or service-disabled veteran-owned businesses, in an amount not to exceed one million five hundred thousand dollars without a formal competitive process**;

§ 3. This act shall take effect immediately.

PART NN

Section 1. Subsections (e) and (g) of section 7002 of the insurance law, as amended by chapter 193 of the laws of 2022, are amended to read as follows:

(e) "Industrial insured" means an insured:

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

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

(3) who is the metropolitan transportation authority and its statutory subsidiaries. When filing an application to form a pure captive insurance company the metropolitan transportation authority shall submit written notice of such filing to the governor, the temporary president of the senate and the speaker of the assembly;

(4) who is the power authority of the state of New York and any statutory subsidiary thereof. When filing an application to form a pure captive insurance company the power authority shall submit written notice of such filing to the governor, the temporary president of the senate and the speaker of the assembly; [~~or~~]

(5) **who is a state or local authority identified in section twenty-eight hundred fifty-nine of the public authorities law and established in statute, or any statutory subsidiary thereof, and is authorized by statute to form a pure or group captive insurance company. When filing an application to form either a pure or group captive insurance company, the state or local authority or authorities shall submit written notice of such filing to the governor, the temporary president of the senate and the speaker of the assembly; or**

**(6)** who is a city with a population of one million or more. When filing an application to form a pure captive insurance company, a city with a population of one million or more shall submit written notice of

such filing to the governor, the temporary president of the senate and the speaker of the assembly.

(g) "Industrial insured group" means any group of unaffiliated industrial insureds that are engaged in similar or related businesses or activities **or that are state or local authorities identified in section twenty-eight hundred fifty-nine of the public authorities law and established in statute, or any subsidiary of the authority**, **provided,** however, the metropolitan transportation authority, the power authority of the state of New York and any statutory subsidiary thereof and cities with a population of one million or more shall not be a member of an industrial insured group, and that collectively:

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

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

§ 2. Subsection (b) of section 7005 of the insurance law, as added by section 146 of part A of chapter 389 of the laws of 1997, is amended to read as follows:

(b) A group captive insurance company may be incorporated:

(1) as a stock insurer with its capital divided into shares and held by the stockholders[~~, or~~]**;**

(2) as a mutual insurer without capital stock, the governing body of which is elected by the member organizations of the industrial insured group**; or**

**(3) in the case of a public benefit corporation, public authority, or other public entity, as the applicable state law may require**.

§ 3. The public authorities law is amended by adding a new section 2859 to read as follows:

**§ 2859. Captive insurance company. 1. Formation of a captive insurance company. The Battery Park city authority, New York convention center operating corporation, New York state energy research and development authority, New York state Olympic region development authority, and Roosevelt Island operating corporation, individually or in some combination with each other, may establish either a pure or group captive insurance company as provided in section seven thousand two of the insurance law.**

**2. Pure captive. Each authority under this section may establish its own subsidiary corporation for the purpose of forming a pure captive insurance company.**

**3. Group captive. For the purposes of forming a group captive insurance company: (a) any authority under this section may establish a subsidiary corporation containing no fewer than three board members; (b) each group captive participating authority being an equal part shareholder in the subsidiary with board of directors representation; (c) the shareholders shall agree among themselves the total number of board members, the allocation of those seats among the shareholders, and such other governance steps to ensure the efficient operation of the subsidiary; (d) each shareholder shall select their board representative to fill their designated seats in their discretion, except that such member must be an employee or board member of the shareholder; and (e) any action taken by the directors of such subsidiary shall be taken by a majority vote of such directors then in office.**

**4. Employees. The employees of any such pure or group captive insurance company, except those who are also employees of the member authorities, shall not be deemed employees of the member authorities.**

§ 4. Subdivision (a) of section 1500 of the tax law, as amended by chapter 193 of the laws of 2022, is amended to read as follows:

(a) The term "insurance corporation" includes a corporation, association, joint stock company or association, person, society, aggregation or partnership, by whatever name known, doing an insurance business, and, notwithstanding the provisions of section fifteen hundred twelve of this article, shall include (1) a risk retention group as defined in subsection (n) of section five thousand nine hundred two of the insurance law, (2) the state insurance fund and (3) a corporation, association, joint stock company or association, person, society, aggregation or partnership doing an insurance business as a member of the New York insurance exchange described in section six thousand two hundred one of the insurance law. The definition of the "state insurance fund" contained in this subdivision shall be limited in its effect to the provisions of this article and the related provisions of this chapter and shall have no force and effect other than with respect to such provisions. The term "insurance corporation" shall also include a captive insurance company doing a captive insurance business, as defined in subsections (c) and (b), respectively, of section seven thousand two of the insurance law; provided, however, "insurance corporation" shall not include the metropolitan transportation authority, the power authority of New York or any statutory subsidiary thereof, **the public authorities identified in section twenty-eight hundred fifty-nine of the public authorities law or any statutory subsidiary thereof,** or a public benefit corporation or not-for-profit corporation formed by a city with a population of one million or more pursuant to subsection (a) of section seven thousand five of the insurance law, each of which is expressly exempt from the payment of fees, taxes or assessments, whether state or local; and provided further "insurance corporation" does not include any combinable captive insurance company. The term "insurance corporation" shall also include an unauthorized insurer operating from an office within the state, pursuant to paragraph five of subsection (b) of section one thousand one hundred one and subsection (i) of section two thousand one hundred seventeen of the insurance law. The term "insurance corporation" also includes a health maintenance organization required to obtain a certificate of authority under article forty-four of the public health law.

§ 5. Subdivision (a) of section 1502-b of the tax law, as amended by chapter 193 of the laws of 2022, is amended to read as follows:

(a) In lieu of the taxes and tax surcharge imposed by sections fifteen hundred one, fifteen hundred two-a, fifteen hundred five-a, and fifteen hundred ten of this article, every captive insurance company licensed by the superintendent of financial services pursuant to the provisions of article seventy of the insurance law, other than the metropolitan transportation authority, the power authority of New York or any statutory subsidiary thereof, **the public authorities identified in section twenty-eight hundred fifty-nine of the public authorities law or any statutory subsidiary thereof,** and a public benefit corporation or not-for-profit corporation formed by a city with a population of one million or more pursuant to subsection (a) of section seven thousand five of the insurance law, each of which is expressly exempt from the payment of fees, taxes or assessments whether state or local, and other than combinable captive insurance company, shall, for the privilege of exercising its corporate franchise, pay a tax on (1) all gross direct premiums, less return premiums thereon, written on risks located or resident in this state and (2) all assumed reinsurance premiums, less return

premiums thereon, written on risks located or resident in this state. The rate of the tax imposed on gross direct premiums shall be four-tenths of one percent on all or any part of the first twenty million dollars of premiums, three-tenths of one percent on all or any part of the second twenty million dollars of premiums, two-tenths of one percent on all or any part of the third twenty million dollars of premiums, and seventy-five thousandths of one percent on each dollar of premiums thereafter. The rate of the tax on assumed reinsurance premiums shall be two hundred twenty-five thousandths of one percent on all or any part of the first twenty million dollars of premiums, one hundred and fifty thousandths of one percent on all or any part of the second twenty million dollars of premiums, fifty thousandths of one percent on all or any part of the third twenty million dollars of premiums and twenty-five thousandths of one percent on each dollar of premiums thereafter. The tax imposed by this section shall be equal to the greater of (i) the sum of the tax imposed on gross direct premiums and the tax imposed on assumed reinsurance premiums or (ii) five thousand dollars.

§ 6. This act shall take effect immediately.

## PART OO

Section 1. Section 321 of the agriculture and markets law, as amended by chapter 158 of the laws of 2018, is amended to read as follows:

§ 321. Statement of legislative findings and intent. It is hereby found and declared that agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture, the state must explore ways to sustain the state's valuable farm economy [~~and to protect~~] **by protecting** farm operations and the **associated** land base [~~associated with it~~] **and supporting local and regional food systems**. External pressures on farm stability such as population growth [~~in non-metropolitan areas~~], **climate change,** lack of access to affordable farmland, and public infrastructure development pose a significant threat to farm operations, yet are the pressures over which farmers have the least control. Local initiatives in agricultural protection policy, facilitated by the agricultural districts program established in article twenty-five-AA of this chapter, have proved effective as a basic step in addressing these pressures. In an effort to encourage further development of agricultural and farmland protection programs, and to recognize both the crucial role that local government plays in developing these strategies, plus the state constitutional directive to the legislature to provide for the protection of agricultural lands, it is therefore declared the policy of the state to promote local initiatives for agricultural and farmland protection.

§ 2. Subdivision 1 of section 322 of the agriculture and markets law, as amended by chapter 158 of the laws of 2018, is amended to read as follows:

1. "Agricultural and farmland protection" means [~~the preservation~~] **local government initiatives to: preserve**, [~~conservation~~] **conserve**, [~~management~~] **manage** or [~~improvement of~~] **improve** lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production[~~. Such preservation efforts include~~] **including** the use of farmland protection conservation easements [~~and purchase of development rights.~~]**; and activities which support local and regional food systems.**

§ 3. Subdivisions 6 and 7 of section 322 of the agriculture and markets law, as added by chapter 158 of the laws of 2018, are amended to read as follows:

6. "Farmer-purchaser farmland protection agreement" means preemptive purchase rights or other provisions that are part of or linked to a farmland protection conservation easement providing the easement holder the preferential right to purchase protected farmland at its agricultural use value in the event the landowner intends to sell such farmland to a purchaser who does not intend to maintain the land in [~~commercial~~] agricultural production and who does not have the requisite farming experience and farming income to demonstrate, in a manner acceptable to the department, a good faith plan to maintain the land in [~~commercial~~] agricultural production. The purpose of such provisions is to ensure that farmer-purchasers who would maintain protected farmland in [~~commercial~~] agricultural production can afford such farmland that might otherwise be sold at a higher price to other purchasers.

7. "Agricultural use value" means the fair market value of a property that is restricted by an easement to its productive [~~commercial~~] agricultural use value rather than the highest and/or best potential use value for residential or other non-agricultural purposes.

§ 4. Section 322 of the agriculture and markets law is amended by adding three new subdivisions 8, 9 and 10 to read as follows:

**8. "Local and regional food systems" means a collaborative network that integrates sustainable production, processing, distribution, and consumption of human food, and the associated management of wastes originating from within this network, in order to enhance the environmental, economic, and social health of a particular area.**

**9. "Local food supply chain" means all processes involved in the local movement of human foods from the farm to the consumer, including marketing, markets, distribution, aggregation, processing, packaging, purchasing, preparation, resource recovery, and waste disposal.**

**10. "Urban agriculture" means the production, processing, distribution, and marketing of food within urban, suburban, and peri-urban (i.e., on the perimeter of urban areas) areas for commercial, non-commercial, educational, or not-for-profit purposes.**

§ 5. Section 324 of the agriculture and markets law, as added by chapter 797 of the laws of 1992 and paragraph (c) of subdivision 1 as amended by chapter 248 of the laws of 2015, is amended to read as follows:

§ 324. County agricultural and farmland protection plans. 1. County agricultural and farmland protection boards may develop plans, in cooperation with the local soil and water conservation district and soil conservation service, which shall include, but not be limited to:

(a) the location of any land or areas proposed to be protected;

(b) an analysis of the following factors concerning any areas and lands proposed to be protected:

(i) value to the agricultural economy of the county;

(ii) open space value;

(iii) consequences of possible conversion; [~~and~~]

(iv) level of conversion pressure on the lands or areas proposed to be protected; and

**(v) the degree to which the lands or areas proposed to be protected serve as a buffer for a significant public resource; and**

(c) a description of the activities, programs and strategies, including efforts to support the successful transfer of agricultural land from existing owners to new owners and operators, especially new and begin-

ning farmers, intended to be used by the county to promote continued agricultural use, **and to sustain a resilient local food supply chain within local and regional food systems,** which may include but not be limited to revisions to the county's comprehensive plan pursuant to section two hundred thirty-nine-d or two hundred thirty-nine-i of the general municipal law[~~.~~]**; and**

**(d) identification of potential funding sources for each of the activities, programs and strategies identified in the plan, which shall include public and private sources.**

2. The county agricultural and farmland protection board shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan, and shall thereafter submit such plan to the county legislative body for its approval.

3. The county agricultural protection plan must be submitted by the county to the commissioner for approval.

**4. (a) Subject to the availability of funds, state assistance payments shall be made available for counties to conduct agricultural and farmland protection planning activities. State assistance payments for planning shall not exceed fifty thousand dollars to each county or one hundred thousand dollars to two such counties applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan.**

**(b) A county which has an approved agricultural and farmland protection plan may after sixty months from the date of such approval by the commissioner apply for additional state assistance payments for planning activities related to the updating of their current plan or development of a new agricultural and farmland protection plan. Such additional state assistance payments shall not exceed fifty thousand dollars to each county whether applying individually or if two or more counties are applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan.**

**(c) A county or two or more counties acting jointly shall apply for state assistance payments for agricultural and farmland protection planning activities in such manner as the commissioner may prescribe.**

§ 6. Section 324-a of the agriculture and markets law, as added by chapter 527 of the laws of 2005 and paragraph (c) of subdivision 1 as amended by chapter 248 of the laws of 2015, is amended to read as follows:

§ 324-a. Municipal agricultural and farmland protection plans. 1. Municipalities may develop agricultural and farmland protection plans, in cooperation with cooperative extension and other organizations, including local farmers. These plans shall include, but not be limited to:

(a) the location of any land or areas proposed to be protected;

(b) an analysis of the following factors concerning any areas and lands proposed to be protected:

(i) value to the agricultural economy of the municipality;

(ii) open space value;

(iii) consequences of possible conversion; [~~and~~]

(iv) level of conversion pressure on the lands or areas proposed to be protected; and

**(v) the degree to which the lands or areas proposed to be protected serve as a buffer for a significant public resource; and**

(c) a description of activities, programs and strategies, including efforts to support the successful transfer of agricultural land from existing owners to new owners and operators, especially new and begin-

ning farmers, intended to be used by the municipality to promote continued agricultural use, **and to sustain a resilient local food supply chain within local and regional food systems,** which may include but not be limited to revisions to the municipality's comprehensive plan pursuant to section two hundred seventy-two-a of the town law**, section twenty-eight-a of the general city law,** or section 7-722 of the village law as appropriate[~~.~~]**; and**

**(d) identification of potential funding sources for each of the activities, programs and strategies identified in the plan, which shall include public and private sources.**

2. The municipality shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan, and shall thereafter submit such plan to the municipal legislative body and the county agricultural farmland protection board for approval **if such board exists in the county where the municipality is located**.

3. The municipal agricultural and farmland protection plan must be submitted by the municipality to the commissioner for approval.

**4. (a) Subject to the availability of funds, state assistance payments shall be made available for municipalities to conduct agricultural and farmland protection planning activities. State assistance payments for planning activities shall not exceed forty thousand dollars to each municipality other than a county whether applying individually or if two or more municipalities are applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for planning activities conducted by the city of New York shall not exceed two hundred thousand dollars, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan.**

**(b) A municipality which has an approved agricultural and farmland protection plan may after sixty months from the date of such approval by the commissioner apply for additional state assistance payments for planning activities related to the updating of their current plan or development of a new agricultural and farmland protection plan. Such additional state assistance payments shall not exceed forty thousand dollars to each municipality other than a county whether applying individually or if two or more municipalities are applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments to the city of New York for planning activities to update an agricultural and farmland protection plan shall not exceed two hundred thousand dollars, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan.**

**(c) A municipality or two or more municipalities acting jointly shall apply for state assistance payments for agricultural and farmland protection planning activities in such manner as the commissioner may prescribe.**

§ 7. Section 325 of the agriculture and markets law, as amended by chapter 413 of the laws of 1996, subdivision 1 as amended, paragraph (c) of subdivision 2 as added, and paragraphs (d) and (e) of subdivision 2 as relettered by chapter 150 of the laws of 2013, subdivision 2 as amended by chapter 93 of the laws of 2010, paragraphs (b) and (d) of subdivision 2 as amended by chapter 234 of the laws of 2010, paragraph (f) of subdivision 2 as added by chapter 355 of the laws of 2014, and paragraph (g) of subdivision 2 as added by chapter 158 of the laws of 2018, is amended to read as follows:

§ 325. [~~Agricultural~~] **State assistance payments for agricultural and farmland** protection **projects**. 1. Subject to the availability of funds, a program is hereby established to finance through state assistance payments the state share of the costs of locally-led agricultural and farmland protection [~~activities~~] **projects**. [~~State assistance payments for planning activities shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for planning activities shall not exceed twenty-five thousand dollars to each municipality other than a county or fifty thousand dollars to two such municipalities applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. A county which has an approved farmland protection plan may after one hundred twenty months from the date of such approval by the commissioner apply for additional state assistance payments for planning activities related to the updating of their current plan or development of a new farmland protection plan. Such additional state assistance payments shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for implementation of approved agricultural and farmland protection plans may fund up to seventy-five percent of the cost of implementing the county plan or portion of the plan for which state assistance payments are requested. State assistance payments to such counties shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for such specified projects that are contributed by the owner of the agricultural land for which the project is being funded, provided, however, that in no event shall the total of such state assistance payments exceed eighty-seven and one-half percent of such eligible costs for any specified project.~~]

2. (a) [~~A county agricultural and farmland protection board, two such boards acting jointly, a municipality or two such municipalities acting jointly shall make application to the commissioner in such manner as the commissioner may prescribe. Application for state assistance payments for planning activities may be made at any time after the county agricultural and farmland protection board has formed and has elected a chairperson.~~] A county [~~agricultural and farmland protection board~~] may make application for state assistance payments for plan implementation at any time after the commissioner has approved a county agricultural and farmland protection plan pursuant to section three hundred twenty-four of this article. Application made jointly by two [~~county agricultural and farmland protection boards~~] **or more counties** may be made after such agricultural and farmland protection plan is approved by each county pursuant to the provisions of section three hundred twenty-four of this article. State assistance payments to such counties shall not exceed seventy-five percent of the cost of implementing the county agricultural and farmland protection plan or portion of the plan for which state assistance has been requested. **Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for agricultural and farmland protection projects that are contributed by the owner of the agricultural land for which the project is being fund-**

ed; provided, however, that in no event shall the total of such state assistance payments exceed eighty-seven and one-half percent of such eligible costs for any agricultural and farmland protection project. The commissioner may require such information or additional planning as [~~he or she deems~~] they deem necessary to evaluate such a request for state assistance.

(b) Within a county, a municipality which has in place a local agricultural and farmland protection plan may apply and shall be eligible for [~~agricultural protection~~] state assistance payments to implement its plan, or a portion of its plan, provided the proposed project is endorsed for funding by the agricultural and farmland protection board for the county in which the municipality is located [~~and that any~~]. Any plan developed on or after January first, two thousand six [~~complies~~] must comply with section three hundred twenty-four-a of this article. State assistance payments to such municipalities shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for [~~such specified~~] agricultural and farmland protection projects that are contributed by the owner of the agricultural land for which the project is being funded; provided, however, that in no event shall the total of such state assistance payments exceed eighty-seven and one-half percent of such eligible costs for any [~~specified~~] agricultural and farmland protection project. The commissioner may require such information or additional planning as [~~he or she deems~~] they deem necessary to evaluate such a request for state assistance.

(c) A soil and water conservation district may apply and shall be eligible for agricultural protection state assistance payments to implement a county or municipal agricultural and farmland protection plan approved by the commissioner provided that the proposed project is endorsed for funding by the county agricultural and farmland protection board for the county in which the proposed project is located. A soil and water conservation district, two such soil and water conservation districts acting jointly, a soil and water conservation district and a municipality acting jointly, or a soil and water conservation district and a not-for-profit conservation organization acting jointly shall make application to the commissioner in such manner as the commissioner may prescribe. The proposed project must also be endorsed for funding by the municipality in which the proposed project is located if the soil and water conservation district is seeking agricultural protection state assistance payments to implement an approved municipal agricultural and farmland protection plan. Any soil and water conservation district proposing a project located within the city of New York must have its project endorsed for funding by the city council or by any board so delegated by its city council. State assistance payments to such soil and water conservation districts shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for [~~such specified~~] agricultural and farmland protection projects that are contributed by the owner of the agricultural land for which the project is being funded; provided, however, that in no event shall the total of such state assistance payments exceed eighty-seven and one-half percent of such eligible costs for any [~~specified~~] agricultural and farmland protection project. The commissioner may require such informa-

tion or additional planning as [~~he or she deems~~] they deem necessary to evaluate such a request for state assistance.

(d) A not-for-profit conservation organization may apply and shall be eligible for agricultural protection state assistance payments to implement a county or municipal agricultural and farmland protection plan approved by the commissioner provided that the proposed project is endorsed for funding by the [~~county agricultural and farmland protection board~~] legislative body for the [~~county~~] municipality in which the proposed project is located[~~. The proposed project must also be endorsed for funding by the municipality in which the proposed project is located~~] if the not-for-profit conservation organization is seeking [~~agricultural protection state assistance payments to implement~~] payments for an agricultural and farmland protection project consistent with an approved municipal agricultural and farmland protection plan. Any not-for-profit conservation organization proposing a project located within the city of New York must have its project endorsed for funding by the city council or by any board so delegated by its city council. State assistance payments to such not-for-profit organizations shall not exceed seventy-five percent of the cost of implementing the [~~local plan or portion of the plan~~] agricultural and farmland protection project for which state assistance has been requested. Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for [~~such specified~~] agricultural and farmland protection projects that are contributed by the owner of the agricultural land for which the project is being funded; provided, however, that in no event shall the total of such state assistance payments exceed eighty-seven and one-half percent of such eligible costs for any [~~specified~~] agricultural and farmland protection project. The commissioner may require such information or additional planning as [~~he or she deems~~] they deem necessary to evaluate such a request for state assistance.

(e) In evaluating applications for funding, the commissioner shall give priority to projects intended to preserve viable agricultural land as defined in section three hundred one of this chapter; that are in areas facing significant development pressure; and that serve as a buffer for a significant natural public resource containing important ecosystem or habitat characteristics.

(f) In evaluating applications for funding, the commissioner shall consider whether future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable, has been considered.

(g) In evaluating applications for funding, projects for protecting agricultural land that include farmer-purchaser farmland protection agreements are eligible for state assistance payments.

3. Upon receipt of a request for state assistance, the commissioner shall review the request, consult with the advisory council on agriculture and, within ninety days from the receipt of a complete application, shall make a determination as to whether or not such projects shall receive state assistance.

§ 8. Subdivisions 2 and 6 of section 325-a of the agriculture and markets law, as added by chapter 268 of the laws of 2008, are amended to read as follows:

2. Awards of state assistance payments shall be made on a competitive basis through a request for proposal process which shall set forth the standards for the selection process, the required proposal format, the costs which are eligible for funding, reporting requirements, and such

other provisions as the commissioner may deem necessary, proper or desirable to achieve the purposes of this section. Applications for state assistance payments **for activities to assist counties and municipalities outside the city of New York** must be endorsed by the agricultural and farmland protection board for the county or counties in which the funded activities would be implemented. **Any application associated with activities occurring within the city of New York must be endorsed for funding by the city council or by any board so delegated by its city council.**

6. State assistance payments awarded pursuant to this section shall not exceed [~~fifty~~] **seventy-five** thousand dollars to any applicant in any fiscal year[~~, and shall not exceed five hundred thousand dollars to all applicants in any fiscal year~~].

§ 9. The agriculture and markets law is amended by adding two new sections 325-b and 325-c to read as follows:

**§ 325-b. State assistance payments to counties. 1. Subject to the availability of funds, a program is hereby established for the purpose of awarding state assistance payments to counties to implement activities of their approved agricultural and farmland protection plans other than agricultural and farmland protection projects funded pursuant to section three hundred twenty-five of this article. State assistance payments to such counties shall not exceed seventy-five percent of the cost of implementing the activities for which state assistance has been requested. The commissioner may require such information deemed necessary to evaluate such a request for state assistance. Eligible activities shall include, but not be limited to:**

**(a) audit a municipality's land use and subdivision regulations, zoning, or site plan requirements to assess potential hardship or unreasonable restrictions to agricultural land and farm operations;**

**(b) audit a municipality's zoning to assess opportunities and challenges to recruiting and retaining agriculture support service providers;**

**(c) incorporate local and regional food system planning into existing emergency management and disaster plans of county and municipal governments;**

**(d) compile and disseminate planning guide or guides that help identify existing and emerging constraints for urban agriculture and suggested strategies for municipalities to encourage and sustain urban agriculture;**

**(e) compile and disseminate planning guide or guides in support of agricultural economic development, such as opportunities to incorporate agricultural tourism or other value-added enterprises to farm operations in a manner compatible with agricultural land use; and**

**(f) compile and disseminate planning guide(s) that help identify emerging land use conflicts with agriculture and suggested strategies for municipalities to avoid or mitigate potential harm to local farm operations.**

**§ 325-c. State assistance payments for agricultural and farmland protection capacity building initiatives. 1. Subject to the availability of funds, state assistance payments may be awarded to counties, municipalities, soil and water conservation districts, and not-for-profit conservation organizations to increase staff capacity to accelerate locally-led agricultural and farmland protection projects. State assistance payments may provide up to one hundred percent of the cost of each awarded staff capacity initiative. The commissioner may require such information as such commissioner deems necessary to evaluate such a**

request for state assistance. Any county, municipality, soil and water conservation district, or not-for-profit conservation organization which has previously received state assistance from an award from this program may, after one hundred twenty months from the date of the final payment associated with such prior award, apply for additional state assistance payments for agricultural and farmland protection capacity building.

2. Subject to the availability of funds, state assistance payments may be awarded to recently established not-for-profit conservation organizations to specifically carry out locally led agricultural and farmland protection projects. State assistance payments may provide up to one hundred percent of qualified five-year start-up costs for such not-for-profit conservation organizations. The commissioner may require such information as they deem necessary to evaluate such a request for state assistance.

§ 10. This act shall take effect immediately.

PART PP

Section 1. Subdivision 11 of section 27-1901 of the environmental conservation law, as added by section 3 of part V1 of chapter 62 of the laws of 2003, is amended to read as follows:

11. "Tire service" means any person or business [~~in New York state~~] who sells or installs new tires for use on any vehicle and any person or business who engages in the retail sale of new motor vehicles. [~~A person who is not the end point of sale and any governmental agency or political subdivision are excluded from this term~~] The United States of America and any of its agencies and instrumentalities, and New York state and any of its agencies, instrumentalities, public corporations, or political subdivisions are excluded from this term.

§ 2. Subdivision 1 and the opening paragraph of subdivision 2 of section 27-1905 of the environmental conservation law, as amended by section 1 of part MM of chapter 58 of the laws of 2022, are amended to read as follows:

1. Until December thirty-first, two thousand [~~twenty-five~~] thirty, accept from a customer, waste tires of approximately the same size and in a quantity equal to the number of new tires purchased or installed by the customer; and

Until December thirty-first, two thousand [~~twenty-five~~] thirty, post written notice in a prominent location, which must be at least eight and one-half inches by fourteen inches in size and contain the following language:

§ 3. Subdivisions 1, 2 and 3 of section 27-1913 of the environmental conservation law, subdivisions 1 and 2 as amended by section 2 and subdivision 3 as amended by section 3 of part MM of chapter 58 of the laws of 2022, are amended to read as follows:

1. Until December thirty-first, two thousand [~~twenty-five~~] thirty, a waste tire management and recycling fee of two dollars and fifty cents shall be charged on each new tire sold. The fee shall be paid by the purchaser to the tire service at the time the new tire or new motor vehicle is purchased; provided, however, that the fee shall be paid by a purchaser to a tire service upon installation of new tires unless the purchaser can demonstrate that the fee was previously paid to the seller.

The waste tire management and recycling fee does not apply to[~~:~~

~~(a)~~] recapped [~~or resold~~] tires[~~;~~

~~(b) mail-order sales; or~~

~~(c) the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to such fee~~].

2. Until December thirty-first, two thousand [~~twenty-five~~] **thirty**, the tire service shall collect the waste tire management and recycling fee from the purchaser at the time of the sale and shall remit such fee to the department of taxation and finance with the quarterly report filed pursuant to subdivision three of this section.

(a) The fee imposed shall be stated as an invoice item separate and distinct from the selling price of the tire.

(b) The tire service shall be entitled to retain an allowance of twenty-five cents per tire from fees collected.

3. Each tire service [~~maintaining a place of business in this state~~] **that is a "person required to collect tax" as defined in section eleven hundred thirty-one of the tax law** shall make a return to the department of taxation and finance on such form and including such information as the commissioner of taxation and finance may require. Such returns shall be due at the same time and for the same periods as the sales tax return of such tire service, in accordance with section eleven hundred thirty-six of the tax law, and payment of all fees due for such periods shall be remitted with such returns.

§ 4. Paragraph (a) of subdivision 6 of section 27-1913 of the environmental conservation law, as amended by section 2 of part MM of chapter 58 of the laws of 2022, is amended to read as follows:

(a) Until December thirty-first, two thousand [~~twenty-five~~] **thirty**, any additional waste tire management and recycling costs of the tire service in excess of the amount authorized to be retained pursuant to paragraph (b) of subdivision two of this section may be included in the published selling price of the new tire, or charged as a separate per-tire charge on each new tire sold. When such costs are charged as a separate per-tire charge: (i) such charge shall be stated as an invoice item separate and distinct from the selling price of the tire; (ii) the invoice shall state that the charge is imposed at the sole discretion of the tire service; and (iii) the amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service pursuant to section 27-1905 of this title, provided however, that in no event shall such charge exceed two dollars and fifty cents on each new tire sold.

§ 5. This act shall take effect September 1, 2025.

## PART QQ

Section 1. Section 2 of part ZZ of chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, as amended by section 2 of part RR of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect June 1, 2021 and shall expire and be deemed repealed December 31, [~~2025~~] **2030**.

§ 2. This act shall take effect immediately.

## PART RR

Section 1. Section 27-1301 of the environmental conservation law is amended by adding four new subdivisions 8, 9, 10 and 11 to read as follows:

8. "Natural resource damages" means the amount of money sought as compensation for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from the disposal of hazardous waste at an inactive hazardous waste disposal site, and including administrative and legal costs. Damages may also include the value of the natural resource services lost for the time period from the disposal until the attainment of such restoration, rehabilitation, replacement, and/or acquisition of equivalent natural resources.

9. "Natural resources" means land, fish, wildlife, biota, air, water, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the state or a municipality.

10. "Response costs" means the state's costs of developing, implementing, and/or overseeing an inactive hazardous waste disposal site remedial program.

11. "Responsible person" or "person responsible" for the disposal of hazardous waste at a site means:

(a) any person who currently owns or operates a site or any portion thereof;

(b) any person who owned or operated a site or any portion thereof at the time of disposal of the hazardous waste;

(c) any person who generated any hazardous waste disposed at a site;

(d) any person who transported any hazardous waste to a site selected by such person;

(e) any person who disposed of any hazardous waste at a site;

(f) any person who arranged for:

(i) the transportation of any hazardous waste to a site; or

(ii) the disposal of any hazardous waste at a site; and

(g) any other person who is responsible according to the applicable principles of statutory or common law liability pursuant to subdivision four of section 27-1313 of this title and/or the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 et seq.

§ 2. Paragraph b of subdivision 2 of section 27-1305 of the environmental conservation law, as amended by section 3 of part E of chapter 1 of the laws of 2003, is amended to read as follows:

b. The department shall, as part of the registry, assess and, based upon new information received, reassess by March thirty-first of each year, in cooperation with the department of health, the relative need for action at each site to remedy environmental and health problems resulting from the presence of hazardous wastes at such sites including in such assessment whether sites shall be prioritized under paragraph b of subdivision five of section 27-1313 of this title due to site location in areas identified as a disadvantaged community pursuant to subdivision five of section 75-0101 of this chapter; provided, however, that if at the time of such assessment or reassessment, the department has not placed a site in classification 1 or 2, as described in subparagraphs one and two of this paragraph, and such site is the subject of negotiations for, or implementation of, a brownfield site cleanup agreement pursuant to title fourteen of this article, obligating the person subject to such agreement to, at a minimum, eliminate or mitigate all significant threats to the public health and environment posed by the hazardous waste pursuant to such agreement, the department shall defer its assessment or reassessment during the period such person is engaged in good faith negotiations to enter into such an agreement and, following its execution, is in compliance with the terms of such agreement,

and shall assess or reassess such site upon completion of remediation to the department's satisfaction. In making its assessments, the department shall place every site in one of the following classifications:

(1) Causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment--immediate action required;

(2) Significant threat to the public health or environment--action required;

(3) Does not present a significant threat to the public health or environment--action may be deferred;

(4) Site properly closed--requires continued management;

(5) Site properly closed, no evidence of present or potential adverse impact--no further action required. **The department shall prioritize remedial programs at sites placed in classification 1 or 2, as described in subparagraphs one and two of this paragraph, that are located in disadvantaged communities as identified pursuant to subdivision five of section 75-0101 of this chapter, consistent with the protection of public health and the environment.**

§ 3. Paragraph b of subdivision 5 of section 27-1313 of the environmental conservation law, as amended by chapter 857 of the laws of 1982, is amended to read as follows:

b. In the event that the commissioner has found that hazardous wastes at a site constitute a significant threat to the environment, but after a reasonable attempt to determine who may be responsible is either unable to determine who may be responsible, or is unable to locate a person who may be responsible, the department may develop and implement an inactive hazardous waste disposal site remedial program for such site. **The department shall prioritize implementation of remedial programs at sites located in disadvantaged communities as identified pursuant to subdivision five of section 75-0101 of this chapter.** The commissioner shall make every effort, in accordance with the requirements for notice, hearing and review provided for in this title, to secure appropriate relief from any person subsequently identified or located who is responsible for the disposal of hazardous waste at such site, including, but not limited to, development and implementation of an inactive hazardous waste disposal site remedial program, payment of the cost of such a program, recovery of any reasonable expenses incurred by the state, money damages and penalties.

§ 4. Section 27-1315 of the environmental conservation law, as amended by section 7 of part E of chapter 1 of the laws of 2003 and subdivision 1 as amended by section 50 of part D of chapter 60 of the laws of 2012, is amended to read as follows:

§ 27-1315. Rules and regulations.

1. The commissioner shall have the power to promulgate rules and regulations necessary and appropriate to carry out the purposes of this title. [~~Any regulations shall include provisions which establish the procedures for a hearing pursuant to subdivision four of section 27-1313 of this title and shall ensure a division of functions between the commissioner, the staff who present the case, and any hearing officers appointed. In addition, any regulations shall set forth findings to be based on a factual record, which must be made before the commissioner determines that a significant threat to the environment exists.~~]

2. **Any regulations concerning a hearing pursuant to subdivision four of section 27-1313 of this title shall include provisions which establish the procedures for such hearing and shall ensure a division of functions between the commissioner, the staff who present the case, and**

any hearing officers appointed. In addition, any regulations shall set forth findings to be based on a factual record, which shall be made before the commissioner determines that a significant threat to the environment exists.

3. Such rules and regulations of the department as shall be in effect on the effective date of this subdivision that shall have been promulgated to carry out the purposes of this title shall be deemed to be revised, as of the effective date of this subdivision, to include the definition of "hazardous waste" as it appears in section 27-1301 of this title.

§ 5. Subdivision 2 of section 27-1323 of the environmental conservation law, as added by section 9 of part E of chapter 1 of the laws of 2003, is amended to read as follows:

2. Municipal exemption. (a) For the purposes of this title no municipality or public corporation shall incur any liability [~~from any statutory claims of the state as an owner or operator of a site, or a person responsible for the disposal of a hazardous waste at such site, if such public corporation acquired such site involuntarily, and such public corporation retained such site without participating in the development of such site~~] as a responsible person.

(b) This exemption shall not apply to any municipality or public corporation that [~~has caused or contributed to the release or threatened release of a hazardous waste from or onto the site, or to any public corporation that generated, transported, or disposed of, arranged for, or that caused the generation, transportation, or disposal of hazardous waste, from or onto the site~~] through action or inaction, intentionally or recklessly caused or contributed to contamination, outside of its performance of governmental functions, which threatens public health or the environment, at real property it owns or operates.

(c) When used in this section:

(1) "Public corporation" means a public corporation as defined in section sixty-five of the general construction law, a local public authority, supervisory district, improvement district within a county, city, town, or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, or any combination thereof.

(2) "Involuntary acquisition of ownership or control" includes but is not limited to the following:

(i) Acquisitions by a public corporation in its sovereign capacity, including but not limited to acquisitions pursuant to abandonment proceedings or bequest;

(ii) Acquisitions by a public corporation, or its agent, acting as a conservator or receiver pursuant to a clear and direct statutory mandate or regulatory authority;

(iii) Acquisitions of assets through foreclosure and its equivalents, or otherwise, by a public corporation in the course of administering a loan, loan guarantee, tax lien, or tax forbearance agreement, or loan insurance program; or

(iv) Acquisitions by a public corporation pursuant to seizure, injunction, condemnation, or forfeiture authority; provided that such ownership or control is not retained primarily for investment purposes.

(d) For the purpose of this section, the terms "foreclosure" and "foreclose" mean, respectively, acquiring or to acquire a brownfield site through:

(1) purchase at sale under a judgment or decree, power of sale, or non-judicial foreclosure sale;

(2) a deed in lieu of foreclosure, or similar conveyance, or abandonment from a person or trustee;

(3) conveyance pursuant to an extension of credit or tax forbearance previously contracted; or

(4) any other formal or informal manner by which a person acquires, for subsequent disposition, title to or possession of a site in order to protect the security interest of the public corporation or lender.

(e) [~~"Participating in development" means the carrying out, or causing or permitting the carrying out, of any above-grade improvements to the site or any other environmental investigation or remediation, except for those improvements which are part of a site remedial program pursuant to this article or in furtherance of site safety, such as fencing or lighting, but does not include licensing, regulatory oversight, or the mere capacity to regulate or influence, or the unexercised right to control the operation of the property. For purposes of this section, participating in development does not include:~~

~~(1) having the capacity to influence management of a site;~~

~~(2) having the unexercised right to control or to regulate the site or operations thereof;~~

~~(3) holding, abandoning, or releasing a security interest or tax lien on such site;~~

~~(4) including a condition relating to environmental compliance in a contract, permit, license, or security agreement;~~

~~(5) monitoring or enforcing the terms and conditions of an agreement or tax forbearance agreement;~~

~~(6) monitoring or undertaking one or more inspections of a site including, but not limited to, boring test wells;~~

~~(7) exercising other remedies available under applicable laws;~~

~~(8) licensing, permitting, or granting permits, certificates of occupancy and variances as allowed by law and/or regulation;~~

~~(9) applying for or participating in federal or state statutory programs or benefits; or~~

~~(10) declining to take any of the actions described in subparagraphs one through nine of this paragraph.~~

~~(f)~~] Any public corporation that has taken possession of a site shall notify the department of any release of hazardous waste within ten days of obtaining actual knowledge of such release, unless a shorter notice period is required under any other provision of law, in which case the shorter notice period controls. Failure to notify the department within the ten day or shorter notification period shall result in the loss of the exemption set forth in this section.

§ 6. The environmental conservation law is amended by adding a new section 27-1325 to read as follows:

**§ 27-1325. Financial responsibility provisions.**

**1. The department may promulgate regulations regarding financial responsibility for the implementation of an inactive hazardous waste disposal site remedial program.**

**2. Financial responsibility required by subdivision one of this section may be established in accordance with regulations promulgated by the commissioner by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the commissioner is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this article.**

3. In any case where the responsible party is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where, with reasonable diligence, jurisdiction in any state or federal court within the state cannot be obtained over a responsible party likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility shall be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subdivision, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the responsible party if any action had been brought against the responsible party by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the responsible party.

4. The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the responsible party under this chapter. Nothing in this subdivision shall be construed to limit any other state or federal statutory, contractual or common law liability of a guarantor to its responsible party including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subdivision shall be construed to diminish the liability of any person under section 27-1313 of this article or other applicable law.

5. For the purpose of this section, the term "guarantor" means any person, other than the responsible party, who provides evidence of financial responsibility for a responsible party under this section.

§ 7. The environmental conservation law is amended by adding a new section 27-1327 to read as follows:

§ 27-1327. Recovery of response costs and natural resource damages.

1. Each responsible person as defined in section 27-1313 of this title shall be strictly liable, jointly and severally, for all response costs and for all natural resource damages resulting from the disposal of hazardous waste at an inactive hazardous waste disposal site. The commissioner may commence an action in a court of competent jurisdiction to recover the response costs and/or natural resource damages. The commissioner shall prioritize securing relief or other action at sites placed in classification 1 or 2, as described in subparagraphs one and two of paragraph b of subdivision two of section 27-1305 of this title, that are located in disadvantaged communities as identified pursuant to subdivision five of section 75-0101 of this chapter.

2. A determination or assessment of natural resource damages for the purposes of this section made or adopted by the commissioner in accordance with any applicable regulations promulgated under section 27-1315 of this title or under section 9651(c) of title 42 of the United States Code shall have the force and effect of a rebuttable presumption on behalf of the commissioner in any judicial proceeding.

3. In an action to recover response costs and/or natural resource damages, the commissioner may also seek civil penalties under section 71-2705 of this chapter.

4. All amounts received to satisfy liability for natural resource damages shall be credited to the department's natural resource damages fund to be used exclusively to pay or reimburse costs of assessing natural resource damages and restore, replace, and/or acquire the equivalent of the affected natural resources. The measure of compensation for injury to, destruction of, or loss of natural resources is the cost of:

(a) restoration or rehabilitation of the injured natural resources to a condition where they can provide the level of services available had the disposal of hazardous waste not occurred; or

(b) the replacement and/or acquisition of equivalent natural resources capable of providing such services.

5. The state shall have a lien for all response costs incurred by the state and for all natural resource damages for which a judicial determination of liability has been made upon such real property located within the state:

(a) owned by a person liable to the state for such response costs and/or natural resource damages under this title at the time a notice of environmental lien is filed; and

(b) upon which the disposal of hazardous wastes occurred.

6. An environmental lien shall attach when:

(a) response costs are incurred by the state and/or a judicial judgment of liability for natural resource damages is entered;

(b) the responsible person fails to pay such costs within ninety days after a written demand therefor by the state is mailed by certified or registered mail, return receipt requested, and/or fails to pay such natural resource damages within ninety days after entry of judgment; and

(c) a notice of environmental lien is filed by the department as provided in paragraph (a) of subdivision ten of this section; provided, however, that a copy of the notice of environmental lien is served upon the owner of the real property subject to the environmental lien within thirty days of such filing in accordance with the provisions of section eleven of the lien law.

7. (a) An environmental lien shall continue against the real property until:

(i) the claim or judgment against the person referred to in subdivision one of this section for response costs and/or natural resource damages is satisfied or becomes unenforceable;

(ii) the lien is released by the commissioner pursuant to this subdivision;

(iii) the lien is discharged by payment of monies into court; or

(iv) the lien is otherwise vacated by court order.

(b) Upon the occurrence of any event under subparagraphs (i) through (iv) of paragraph (a) of this subdivision, except where the lien is vacated by court order, the commissioner shall execute the release of an environmental lien and file the release as provided in subdivision nine of this section. The commissioner may release an environmental lien where:

(i) a legally enforceable agreement satisfactory to the commissioner has been executed relating to the response costs and/or natural resource damages that are the subject of the lien or reimbursing the state for such response costs and/or natural resource damages; or an owner or operator of the site subject to the lien agrees to perform remedial work, site management, or other in-kind services of sufficient value to the commissioner; or

(ii) the attachment or enforcement of the environmental lien is determined by the commissioner not to be in the public interest.

8. An environmental lien is subject to the rights of any other person, including an owner, purchaser, holder of a mortgage or security interest, or judgment lien creditor, whose interest is perfected before a lien notice has been filed as provided in subdivision ten of this section.

9. A notice of environmental lien shall state:

(a) that the lienor is the state of New York;

(b) the name of the record owner of the real property on which the environmental lien has attached;

(c) the real property subject to the lien, with a description thereof sufficient for identification;

(d) that the real property described in the notice is the property upon which a disposal of hazardous wastes occurred and that response costs have been incurred by the lienor and/or that natural resource damages have been judicially determined to be due to the lienor as a result of such disposal;

(e) that the owner is potentially liable for response costs and/or subject to a judgment for natural resource damages pursuant to this title; and

(f) that an environmental lien has attached to the described real property.

10. (a) A notice of environmental lien shall be filed in the clerk's office of the county where the property is situated. If such property is situated in two or more counties, the notice of environmental lien shall be filed in the office of the clerk of each of such counties. The notice of lien shall be indexed by the county clerk in accordance with the provisions of section ten of the lien law. The notice of lien shall be served upon the owner of the real property subject to the lien in accordance with the provisions of section eleven of the lien law.

(b) A release of an environmental lien shall be filed in the clerk's office of each county where the notice of environmental lien was filed and shall be indexed in the manner prescribed for indexing environmental liens.

11. An environmental lien may be enforced against the property specified in the notice of environmental lien, and an environmental lien may be vacated or discharged, as prescribed in article three of the lien law; provided, however, that nothing in this article or in article three of the lien law shall affect the right of the state to bring an action to recover response costs and/or natural resource damages under section one hundred seven of the federal comprehensive environmental recovery, compensation and liability act (42 U.S.C. § 9601 et seq).

12. Amounts received by the administrator to satisfy all or part of an environmental lien for response costs shall be deposited in the department's hazardous waste remedial fund, and amounts received to satisfy all or part of an environmental lien for natural resource damages shall be deposited in the department's natural resource damages fund.

13. (a) An owner or operator of an inactive hazardous waste disposal site whose liability under this title and/or 42 U.S.C. § 9607 et seq. arises solely from being considered an owner or operator of such site shall not be liable as long as it can demonstrate that one or more of the affirmative defenses in paragraph (a) of subdivision four of section 27-1323 of this title applies, and the owner or operator does not impede the performance of a response action or natural resource restoration.

(b) If there are unrecovered response costs incurred by the department at an inactive hazardous waste disposal site for which an owner or operator of the site is not liable by reason of paragraph (a) of this subdivision, and if each of the conditions described in paragraph (c) of this subdivision is met, the department shall have a lien on the facility, or may by agreement with the owner or operator, obtain from the owner or operator a lien on any other property or other assurance of payment satisfactory to the department, for the unrecovered response costs.

(c) The conditions referred to in paragraph (b) of this subdivision are the following:

(i) A response action for which there are unrecovered costs of the department is carried out at the inactive hazardous waste disposal site.

(ii) The response action increases the fair market value of the site above the fair market value of the site that existed before the response action was initiated.

(d) A lien under paragraph (b) of this subdivision:

(i) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

(ii) shall arise at the time at which costs are first incurred by the department with respect to a response action at the site;

(iii) shall be subject to the requirements of subdivisions seven, eight, and nine of this section; and

(iv) shall continue until the earlier of:

(A) satisfaction of the lien by sale or other means; or

(B) recovery of all response costs incurred at the site.

§ 8. The environmental conservation law is amended by adding a new section 27-1329 to read as follows:

§ 27-1329. Abatement actions.

1. Maintenance, jurisdiction, etc. When the commissioner determines that there may be an imminent danger to the health or welfare of the people of the state or the environment, or results in or is likely to result in irreversible or irreparable damage to natural resources because of an actual or threatened release of a hazardous substance from an inactive hazardous waste disposal site, the commissioner may request the attorney general to secure such relief as may be necessary to abate such danger or threat and to grant such relief as the public interest and the equities of the case may require. The commissioner may also take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

2. Fines; reimbursement. (a) Any person who, without sufficient cause, fails or refuses to comply with, any order of the commissioner under subdivision one of this section may, in an action brought in the appropriate court of competent jurisdiction to enforce such order, be fined not more than thirty-seven thousand five hundred dollars for each day in which such violation occurs or such failure to comply continues.

(b) (i) Any person who receives and complies with the terms of any order issued under subdivision one of this section may, within sixty days after completion of the required action, petition the commissioner for reimbursement from the hazardous waste remedial fund pursuant to section ninety-seven-b of the state finance law for the reasonable costs of such action, plus interest. Any interest payable under this subparagraph shall accrue on the amounts expended from the date of expenditure at the same rate as specified for interest on investments of the hazardous substance superfund established under subchapter A of chapter 98 of title 26 of the federal comprehensive environmental response, compensation, and liability act.

(ii) If the commissioner refuses to grant all or part of a petition made under this paragraph, the petitioner may within thirty days of receipt of such refusal file an action against the department pursuant to article seventy-eight of the civil practice law and rules.

(iii) Except as provided in subparagraph (iv) of this paragraph, to obtain reimbursement, the petitioner shall establish by a preponderance

of the evidence that such petitioner is not liable for response costs under section 27-1313 of this title and that costs for which such petitioner seeks reimbursement are reasonable in light of the action required by the relevant order.

(iv) A petitioner under subparagraph (i) of this paragraph may also recover its reasonable costs of response to the extent that such petitioner can demonstrate, on the administrative record, that the commissioner's decision in selecting the response action ordered was arbitrary and capricious or was otherwise not in accordance with law. Reimbursement awarded under this subparagraph shall include all reasonable response costs incurred by the petitioner pursuant to the portions of the order found to be arbitrary and capricious or otherwise not in accordance with law.

(v) Reimbursement awarded by a court under subparagraph (iii) or (iv) of this paragraph may include appropriate costs, fees, and other expenses in accordance with section eighty-six hundred one of the civil practice law and rules.

§ 9. Subdivisions 1 and 4 of section 97-b of the state finance law, subdivision 1 as amended by section 3 of part AA of chapter 58 of the laws of 2018 and subdivision 4 as amended by chapter 38 of the laws of 1985, are amended to read as follows:

1. There is hereby established in the custody of the state comptroller a nonlapsing revolving fund to be known as the "hazardous waste remedial fund", which shall consist of a "site investigation and construction account", an "industry fee transfer account", an "environmental restoration project account", a "hazardous waste cleanup account", and a "hazardous waste remediation oversight and assistance account".

4. [~~No~~] With respect to moneys in the hazardous waste cleanup account, no moneys shall be available from the fund pursuant to paragraph (a) of subdivision three of this section unless the commissioner of environmental conservation finds that all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of inactive hazardous waste sites or other responsible persons have been made except where the commissioner of environmental conservation has made findings pursuant to paragraph b of subdivision three of section 27-1313 of the environmental conservation law [~~or where~~]; the commissioner of health has declared a condition dangerous to life or health and made findings pursuant to paragraph (b) of subdivision three of section one thousand three hundred eighty-nine-b of the public health law; the commissioner of health or the commissioner of environmental conservation has determined that immediate action in the form of a remedial investigation and/or an interim remedial measure is necessary to abate a threat to the public health or the environment; or the site is owned by the state or the state is a responsible person.

§ 10. Paragraphs (a) and (j) of subdivision 3 of section 97-b of the state finance law, paragraph (a) as amended by section 4 of part I of chapter 1 of the laws of 2003 and paragraph (j) as amended by section 5 of part T of chapter 57 of the laws of 2017, are amended and a new paragraph (k) is added to read as follows:

(a) inactive hazardous waste disposal site remedial programs pursuant to section 27-1313 of the environmental conservation law and section thirteen hundred eighty-nine-b of the public health law, including sites that are owned by the state;

(j) with respect to moneys in the hazardous waste remediation oversight and assistance account, technical assistance grants pursuant to

titles thirteen and fourteen of article twenty-seven of the environmental conservation law; and

(k) with respect to moneys in the hazardous waste remediation oversight and assistance account, oversight expenditures for ensuring the continued maintenance and operation of engineering controls pursuant to subdivision seven of section 27-1415 of the environmental conservation law.

§ 11. Subdivision 3 of section 1285-q of the public authorities law, as amended by section 43 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing hazardous waste site remediation projects and environmental restoration projects authorized by this section shall not exceed [~~two~~] three billion [~~two~~] four hundred fifty million dollars [~~and shall not exceed one hundred million dollars for appropriations enacted for any state fiscal year~~], provided that the bonds not issued for such appropriations may be issued pursuant to reappropriation in subsequent fiscal years. No bonds shall be issued for the repayment of any new appropriation enacted after March thirty-first, two thousand [~~twenty-six~~] thirty-six for hazardous waste site remediation projects authorized by this section. Amounts authorized to be issued by this section shall be exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by this state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 12. This act shall take effect immediately.

PART SS

Section 1. Subdivision 1 of section 391-u of the general business law, as added by chapter 88 of the laws of 2020, is amended by adding a new paragraph (h) to read as follows:

(h) "Intentionally added" shall have the same meaning as "intentionally added chemical" in subdivision four of section 37-0121 of the environmental conservation law.

§ 2. Paragraph (b) of subdivision 4 of section 391-u of the general business law, as added by chapter 88 of the laws of 2020, is amended to read as follows:

(b) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited under subdivision three of this section shall recall [~~the~~] such product, which [~~includes~~] at any time has been manufactured, sold, offered for sale, or distributed for sale or use. Such recall shall include collection, transport, treatment, storage, and safe [~~disposal, after the implementation date of the restrictions set forth in subdivision three of this section~~] destruction of PFAS chemicals through or by a method approved by the department of environmental conservation and [~~reimburse~~] reimbursement of the retailer or any other purchaser for the product.

§ 3. Subdivision 5 of section 391-u of the general business law, as added by chapter 88 of the laws of 2020, is amended by adding a new paragraph (c) to read as follows:

**(c) Beginning January first, two thousand twenty-eight, a manufacturer or other person that sells firefighting personal protective equipment to a person, local government, or state agency shall not manufacture, knowingly sell, offer for sale, distribute for sale or distribute for use in the state any firefighting personal protective equipment containing intentionally added PFAS chemicals.**

§ 4. This act shall take effect immediately.

PART TT

Section 1. This act enacts into law major components of legislation necessary for related land acquisition for conservation purposes. Each component is wholly contained within a Subpart identified as Subparts A through B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Subdivision 1 of section 3-0305 of the environmental conservation law, as added by chapter 727 of the laws of 1978, is amended to read as follows:

1. The commissioner when moneys therefor have been appropriated by the legislature or are otherwise available, may acquire any real property which [~~he~~] **such commissioner** deems necessary for any of the purposes or functions of the department, by purchase or as provided in the eminent domain procedure law. Title to such real property shall be taken in the name of and be vested in the people of the state of New York. No real property**, except conservation easements,** shall be so acquired by purchase unless the title thereto is approved by the attorney general. The terms "property" or "real property" as used in this section shall mean "real property" as defined by section one hundred three of the eminent domain procedure law.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Section 1405 of the tax law is amended by adding a new subdivision (c) to read as follows:

**(c) Conveyances of real property for open space, parks, or historic preservation purposes to any not-for-profit tax exempt corporation operated for conservation, environmental, parks or historic preservation purposes shall be exempt from payment of additional taxes imposed pursuant to section fourteen hundred five-A of this article.**

§ 2. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section, subpart or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, subpart or part thereof directly involved in the contro-

versy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

PART UU

Section 1. Subdivision 7 of section 13-0331 of the environmental conservation law, as amended by chapter 243 of the laws of 2022, is amended to read as follows:

7. The department may, until December thirty-first, two thousand [~~twenty-four~~] twenty-nine, fix by regulation measures for the management of crabs of any kind including horseshoe crabs (Limulus sp.), including minimum and maximum size limits, catch and possession limits, open and closed seasons including lunar closures, closed areas, restrictions on the manner of taking and landing including a prohibition on the harvest of crabs in amplexus, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

§ 2. This act shall take effect immediately.

PART VV

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, and the Fuel NY program shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed $35,725,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of $500,000 in the preceding calendar year, and the total amount assessed shall be allocated to each electric corporation and gas corporation in proportion to its intrastate electricity and gas revenues in the calendar year 2023. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2025 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2025. Upon receipt, the New York state energy research and development authority shall deposit such funds in the energy research and development operating fund

established pursuant to section 1859 of the public authorities law. The New York state energy research and development authority is authorized and directed to: (1) transfer up to $4 million to the state general fund for climate change related services and expenses of the department of environmental conservation from the funds received; and (2) commencing in 2016, provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or such chief executive officer's designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. The authority shall not commit for any expenditure, any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees. Any such amount not committed by such authority to contracts or contracts to be awarded or otherwise expended by the authority during the fiscal year shall be refunded by such authority on a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service, and any refund amounts must be explicitly lined out in the itemized record described above.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2025.

## PART WW

Section 1. Section 103 of the abandoned property law is amended by adding a new subdivision (j) to read as follows:

**(j) "Energy services company" or "ESCO" shall mean an entity eligible to sell energy services to end-use customers using the transmission or distribution system of a utility.**

§ 2. Subdivision (f) of section 103 of the abandoned property law, as amended by chapter 498 of the laws of 1944 and relettered by chapter 908 of the laws of 1974, is amended to read as follows:

(f) "Utility services" means gas, electricity or steam supplied by a gas, electric, gas and electric or district steam corporation **or an energy services company**, telephone, telegraph or other service furnished by a telephone, telegraph or telegraph and telephone corporation, water supplied by a waterworks corporation, or appliances, equipment, installations, fixtures or appurtenances rented by any such corporation **or company**.

§ 3. Section 400 of the abandoned property law, the opening paragraph of subdivision 1 as amended by chapter 498 of the laws of 1944, paragraphs (a) and (b) of subdivision 1 as amended by chapter 78 of the laws of 1976, and paragraph (c) of subdivision 1 as amended by chapter 833 of the laws of 1963, is amended to read as follows:

§ 400. Unclaimed deposits and refunds for utility services. 1. The following unclaimed moneys held or owing by a gas corporation, an electric corporation, a gas and electric corporation, a district steam corporation, **an energy services company,** a telegraph corporation, a telephone corporation, a telegraph and telephone corporation, or a waterworks corporation, shall be deemed abandoned property:

(a) Any deposit made by a consumer or subscriber with such a corporation **or company** to secure the payment for utility services furnished by such corporation **or company**, or the amount of such deposit after deducting any sums due to such corporation **or company** by such consumer or subscriber, together with any interest due thereon, which shall have remained unclaimed by the person or persons appearing to be entitled thereto for two years after the termination of the utility services to secure the payment of which such deposit was made, or, if during such two year period utility services are furnished by such corporation **or company** to such consumer or subscriber and such deposit is held by such corporation **or company** to secure payment therefor, for two years after the termination of such utility services.

(b) Any amount paid by a consumer or subscriber to such a corporation **or company** in advance or in anticipation of utility services furnished or to be furnished by such corporation **or company** which in fact is not furnished, after deducting any sums due to such corporation **or company** by such consumer or subscriber for utility services in fact furnished, which shall have remained unclaimed by the person or persons appearing to be entitled thereto for two years after the termination of the utility services for which such amount was paid in advance or in anticipation, or, if during such period utility services are furnished by such corporation **or company** to such consumer or subscriber and such amount is applied to the payment in advance or in anticipation of such utility services, for two years after the termination of such utility services.

(c) The amount of any refund of excess or increased rates or charges heretofore or hereafter collected by any such corporation **or company** for utility services lawfully furnished by such corporation **or company** which has been or shall hereafter lawfully be ordered refunded to a consumer or other person or persons entitled thereto, together with any interest due thereon, less any lawful deductions, which shall have remained unclaimed by the person or persons entitled thereto for two years from the date it became payable in accordance with the final determination or order providing for such refund.

2. Any such abandoned property held or owing by such a corporation **or company** to which the right to receive the same is established to the satisfaction of such corporation **or company** shall cease to be deemed abandoned.

§ 4. Subdivision 1 of section 402 of the abandoned property law, as amended by section 11 of part A of chapter 61 of the laws of 2011, is amended to read as follows:

1. Every such corporation **or company** shall cause to be published, on or before the first day of September in each year, a notice entitled: "NOTICE OF CERTAIN UNCLAIMED PROPERTY HELD BY (name of corporation **or company**)."

§ 5. Paragraph (a) of subdivision 3 of section 402 of the abandoned property law is amended to read as follows:

(a) that a report of unclaimed amounts of money or other property held or owing by it has been made to the state comptroller and that a list of the names of the person or persons appearing from the records of such

corporation **or company** to be entitled thereto is on file and open to public inspection at its principal office or place of business in any city, village or county where any such abandoned property is payable;

§ 6. Subdivision 4 of section 402 of the abandoned property law is amended to read as follows:

4. Such corporation **or company** shall file with the state comptroller on or before the tenth day of September in each year proof by affidavit of such publication.

§ 7. Section 403 of the abandoned property law, as amended by section 12 of part A of chapter 61 of the laws of 2011, is amended to read as follows:

§ 403. Payment of abandoned property. 1. In such succeeding month of October, and on or before the tenth day thereof, every such corporation **or company** shall pay to the state comptroller all property which, as of the first day of July next preceding, was deemed abandoned pursuant to section four hundred of this article, held or owing by such corporation **or company**.

2. Such payment shall be accompanied by a true and accurate report setting forth such information as the state comptroller may require relating to such abandoned property including:

(a) as to abandoned property specified in paragraphs (a) and (b) of subdivision one of section four hundred of this article:

(i) the name and last known address of each depositor or subscriber appearing from the records of such corporation **or company** to be entitled to receive any such abandoned property;

(ii) the date when the deposit was made or amount paid;

(iii) the amount of such deposit or payment;

(iv) the date when utility services furnished to such consumer or subscriber ceased;

(v) any sums due and unpaid to the corporation **or company** by such consumer or subscriber, with interest thereon from the date of termination of service;

(vi) the amount of interest due upon such deposit or payment on any balance thereof that has remained with such corporation **or company** and not been credited to such consumer's or subscriber's account;

(vii) the amount of such abandoned property; and

(viii) such other identifying information as the state comptroller may require.

(b) as to abandoned property specified in paragraph (c) of subdivision one of section four hundred of this article:

(i) the name and last known address of each person appearing from the records of such corporation **or company** to be entitled to receive the same;

(ii) the amount appearing from such records to be due each such person;

(iii) the date payment became due; and

(iv) such other identifying information as the state comptroller may require.

3. Such report shall be in such form and the abandoned property listed shall be classified in such manner as the state comptroller may prescribe. Names of persons entitled to such abandoned property appearing in such report shall be listed in alphabetical order within each such classification.

§ 8. This act shall take effect immediately.

PART XX

Section 1. Expenditures of moneys appropriated to the department of agriculture and markets from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of agriculture and markets' participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law.

§ 2. Expenditures of moneys appropriated to the department of state from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the activities of the department of state's utility intervention unit pursuant to subdivision 4 of section 94-a of the executive law, including, but not limited to participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law.

§ 3. Expenditures of moneys appropriated to the office of parks, recreation and historic preservation from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the office of parks, recreation and historic preservation's participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law.

§ 4. Expenditures of moneys appropriated to the department of environmental conservation from the special revenue funds-other/state operations, environmental conservation special revenue fund-301, utility environmental regulation account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of environmental conservation's participation in state energy policy proceedings, or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law.

§ 5. Notwithstanding any other law, rule or regulation to the contrary, expenses of the department of health public service education program incurred pursuant to appropriations from the cable television account of the state miscellaneous special revenue funds shall be deemed expenses of the department of public service.

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

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2025 and shall expire and be deemed repealed April 1, 2030.

PART YY

Section 1. Paragraph a of subdivision 1 of section 765 of the general business law, as amended by section 6 of part X of chapter 57 of the laws of 2013, is amended to read as follows:

a. Failure to comply with any provision of this article shall subject an excavator or an operator to a civil penalty of up to [~~two thousand five hundred~~] five thousand dollars for the first violation and up to an additional [~~ten~~] twenty thousand dollars for each succeeding violation that occurs within a twelve month period.

§ 2. Paragraph c of subdivision 1 of section 765 of the general business law, as amended by chapter 445 of the laws of 1995, is amended to read as follows:

c. An action to recover a penalty under this article may be brought in the supreme court in the judicial district in which the violation was alleged to have occurred which shall be commenced and prosecuted by the attorney general. The public service commission shall, pursuant to section one hundred nineteen-b of the public service law, forward to the attorney general its determination of the amount of the penalty for violations or rules and regulations adopted to implement the requirements of this article. Upon receipt of such determination, the attorney general may commence an action to recover such penalty. All moneys recovered in any such action, together with the costs thereof, and all moneys recovered as the result of any such public service commission determination shall be paid into the [~~state treasury to the credit of the general fund~~] environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 3. Subdivision 3 of section 92-s of the state finance law, as amended by chapter 734 of the laws of 2021, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-n of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be

deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law, all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law, beginning with the fiscal year commencing on April first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received by the state each fiscal year in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, from the payments collected pursuant to subdivision four of section 27-1012 of the environmental conservation law and all funds collected pursuant to section 27-1015 of the environmental conservation law, all moneys required to be deposited pursuant to sections 27-2805 and 27-2807 of the environmental conservation law, all moneys collected pursuant to section 71-2730 of the environmental conservation law, **all moneys required to be deposited pursuant to section seven hundred sixty-five of the general business law,** all moneys required to be deposited pursuant to section 27-3205 of the environmental conservation law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

§ 4. This act shall take effect immediately; provided, however, that the amendments to paragraph c of subdivision 1 of section 765 of the general business law made by section two of this act shall take effect on the same date as the reversion of such paragraph as provided in section 4 of chapter 522 of the laws of 2000, as amended.

## PART ZZ

Section 1. Subdivision (a) of section 314 of the tax law, as amended by chapter 190 of the laws of 1990, is amended to read as follows:

(a) General.--Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any tax commissioner, any officer or employee of the department of taxation and finance, or any person who, pursuant to this section, is permitted to inspect any return, or to whom any information contained in any return is furnished, or any person engaged or retained by such department on an independent contract basis, or any person who in any manner may acquire knowledge of the contents of a return filed pursuant to this article, to divulge or make known in any manner the amount of income or gross receipts or any particulars set forth or disclosed in any return under this article. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the state or the commissioner of taxation and finance in an action or proceeding under the provisions of this chapter or in any other action or proceeding involving the collection of a tax due under this chapter to which the state or the commissioner is a party or a claimant, or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding, in any of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. The commissioner may, nevertheless, publish a copy or a summary

of any determination or decision rendered after the formal hearing provided for in this chapter. Nothing herein shall be construed to prohibit the delivery to a petroleum business or its duly authorized representative of a copy of any return filed by it, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, **or the disclosure of data other than taxpayer identity information from a return or returns of one or more petroleum or fossil fuel businesses to the department of environmental conservation or the New York state energy research and development authority for the purpose of implementing the climate leadership and community protection act, chapter one hundred six of the laws of two thousand nineteen, promulgation of regulations thereunder, and achievement of the statewide greenhouse gas emission limits, as defined and established in article seventy-five of the environmental conservation law,** or the publication of delinquent lists showing the names of petroleum businesses who have failed to pay their taxes at the time and in the manner provided by section three hundred eight of this article together with any relevant information which in the opinion of the commissioner may assist in the collection of such delinquent taxes; or the inspection by the attorney general or other legal representatives of the state of the return of any petroleum business which shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding under this chapter has been recommended by the commissioner or the attorney general or has been instituted; or the inspection of the returns of any petroleum business by the comptroller or duly designated officer or employee of the state department of audit and control, for purposes of the audit of a refund of any tax paid by such petroleum business under this article. Provided, further, nothing herein shall be construed to prohibit the disclosure of taxpayer identity information, including name, mailing address and taxpayer identifying number (social security account number, or such other number as has been assigned by the secretary of the United States treasury or [~~his~~] **such secretary's** delegate, or by the commissioner of taxation and finance), with respect to persons who are registered as residual petroleum product or aviation fuel businesses under this article or as distributors of motor fuel or diesel motor fuel or kero-jet fuel only for the purpose of article twelve-A of this chapter or this article, whose registration as a residual petroleum product business or as such distributor has been cancelled or suspended pursuant to this article or such article twelve-A or whose application for registration as a residual petroleum product business or as such distributor has been refused pursuant to this article or such article twelve-A. In addition, the commissioner may disclose the fact that a person is not registered as a residual petroleum business under this article or as a distributor of motor fuel, diesel motor fuel or kero-jet fuel only under article twelve-A of this chapter. Information disclosed pursuant to this subdivision shall not, by itself, be construed as proof of compliance or noncompliance with the provisions of this chapter.

§ 2. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of

the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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