

# STATE OF NEW YORK

4033--A

2025-2026 Regular Sessions

## IN SENATE

January 31, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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

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

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

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

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

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

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

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

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

56 § 71-0301. Summary abatement.

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

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

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

1 fund to the credit of the conservation enforcement account established  
2 pursuant to subdivision (k) of section eighty-three of the state finance  
3 law.

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

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

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

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

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

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

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

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

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

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

55 With respect to the penalty for violation of subdivision 4 of section  
56 9-1105 of this chapter, the owner and every person engaged in such

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

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

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

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

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

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

53 b. Any nursery grower licensed pursuant to article fourteen of the  
54 agriculture and markets law, any person who owns or operates a public  
55 vessel as such term is defined in paragraph (a) of subdivision six of  
56 section two of the navigation law, or any person who owns or operates a

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

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

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

26 § 71-0707. Resisting or obstructing departmental agent or employee.

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

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

36 § 71-0709. Injury to state lands.

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

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

45 § 71-0711. Injury to municipal or private lands.

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

52 § 10. Section 71-0921 of the environmental conservation law, as added  
53 by chapter 640 of the laws of 1977, subdivision 1 as amended by chapter  
54 408 of the laws of 2017, subdivision 2 as amended by chapter 468 of the  
55 laws of 2011, subdivision 3 as amended by chapter 270 of the laws of  
56 1997, subdivisions 4 and 5 as added by chapter 417 of the laws of 1996,

1 subparagraph 9 of paragraph a of subdivision 4 and subparagraph 5 of  
2 paragraph a of subdivision 5 as amended by chapter 41 of the laws of  
3 2013, subparagraphs 2 and 3 of paragraph b of subdivision 4 as amended  
4 by chapter 347 of the laws of 2007, subdivisions 6 and 7 as amended by  
5 chapter 416 of the laws of 1989, subdivision 8 as amended by section 19  
6 of part R of chapter 58 of the laws of 2013, subdivision 10 as added by  
7 chapter 31 of the laws of 1980, subdivision 10-a as added by chapter 762  
8 of the laws of 2023, subdivision 11 as added by chapter 168 of the laws  
9 of 1989, subdivision 12 as added by chapter 143 of the laws of 1992,  
10 subdivision 13 as added by chapter 208 of the laws of 1999, subdivision  
11 14 as added by chapter 532 of the laws of 2019, is amended to read as  
12 follows:

13 § 71-0921. Misdemeanors.

14 The following acts are misdemeanors, punishable as herein provided,  
15 when they are done in violation of the section or subdivision thereof  
16 specified, or if no section is specified, in violation of any section of  
17 the Fish and Wildlife Law:

18 1. (a) The illegal taking of big game prior to the first day of the  
19 open season or after the last day of the open season in the county or  
20 part thereof where taken, or the taking of big game with aid of an arti-  
21 ficial light. Each such misdemeanor for a violation of this paragraph  
22 shall be punishable by imprisonment for not more than one year or by a  
23 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor  
24 more than [~~three thousand~~] four thousand five hundred dollars, or by  
25 both such imprisonment and fine.

26 (b) Any illegal taking of a deer, other than a taking described in  
27 paragraph (a) of this subdivision, such misdemeanor shall be punishable  
28 by imprisonment for not more than one year or by a fine of not less than  
29 [~~two hundred fifty~~] three hundred seventy-five dollars nor more than  
30 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

31 2. The illegal taking of a bear less than one year old or the taking  
32 of a bear by a means or method not permitted by this chapter. Such  
33 misdemeanor shall be punishable by imprisonment for not more than one  
34 year or by a fine of not more than [~~two~~] three thousand dollars, or by  
35 both such imprisonment and fine. The sale of bear gallbladder/bile in  
36 violation of paragraph b of subdivision nine of section 11-0917 of this  
37 chapter shall be punishable by a fine of [~~five thousand~~] seven thousand  
38 five hundred dollars per violation.

39 3. Possession, use or discharge of a firearm in violation of subdivi-  
40 sion 1, 2, 4, 5, or 6 of section 11-0931 of this chapter. Each such  
41 misdemeanor shall be punishable by imprisonment for not more than three  
42 months or by a fine of not less than [~~two~~] three hundred dollars nor  
43 more than one thousand five hundred dollars, or by both such imprison-  
44 ment and fine.

45 4. a. Violations of:

46 (1) subdivision one of section 13-0309 of this chapter involving the  
47 taking of shellfish from uncertified shellfish lands, or the possession,  
48 transportation, sale or trafficking in shellfish so taken;

49 (2) subdivision two of section 13-0309 of this chapter involving the  
50 taking of shellfish between sunset and sunrise;

51 (3) subdivision ten of section 13-0309 of this chapter involving the  
52 possession of a stick dredge after one prior conviction under such  
53 subdivision for such activity;

54 (4) subdivision one of section 13-0311 of this chapter involving the  
55 taking of shellfish without the required digger's permit;

1 (5) subdivision seven of section 13-0311 of this chapter involving the  
2 taking of shellfish while one's digger's permit is suspended or revoked;

3 (6) subdivision one of section 13-0315 of this chapter involving the  
4 processing, transportation, shipment or sale of shellfish without the  
5 required shipper's or processor's permit;

6 (7) regulations promulgated by the department pursuant to section  
7 13-0319 of this chapter involving the failure to tag or seal shellfish  
8 or the falsifying of any information required on any tag or seal  
9 required by said regulations;

10 (8) subdivision five of section 13-0325 of this chapter, regarding the  
11 taking of undersized clams, where the taking involves more than twenty-  
12 four percentum of clams of less than legal size;

13 (9) regulations promulgated by the department pursuant to section  
14 13-0327 of this chapter, regarding the taking of undersized scallops,  
15 where the taking involves more than twenty-four percentum of scallops of  
16 less than legal size; and

17 (10) section 13-0344 of this chapter involving the dumping of objects  
18 into the water after being signaled by a police officer or peace officer  
19 to stop for inspection.

20 b. Each such misdemeanor identified in paragraph a of this subdivision  
21 shall be punishable as follows:

22 (1) For a first conviction for any of the violations listed in para-  
23 graph a of this subdivision, by imprisonment for not more than sixty  
24 days, a fine of not less than [~~two hundred fifty~~] three hundred seven-  
25 ty-five dollars nor more than one thousand five hundred dollars plus, if  
26 applicable, an amount equal to the market value of the shellfish  
27 involved in the violation, or by both such imprisonment and fine.

28 (2) For a second conviction for any of the violations listed in para-  
29 graph a of this subdivision, by imprisonment for not more than ninety  
30 days, a fine of not less than [~~five hundred~~] seven hundred fifty dollars  
31 nor more than [~~twenty five hundred~~] three thousand seven hundred fifty  
32 dollars plus, if applicable, an amount equal to three times the market  
33 value of the shellfish involved in the violation, or by both such impri-  
34 sonment and fine.

35 (3) For a third or subsequent conviction for any of the violations  
36 listed in paragraph a of this subdivision, by imprisonment for not more  
37 than one hundred eighty days, a fine of not less than one thousand five  
38 hundred dollars nor more than [~~ten~~] fifteen thousand dollars plus, if  
39 applicable, an amount equal to three times the market value of the  
40 shellfish involved in the violation, or by both such imprisonment and  
41 fine.

42 (4) Provided, further, that all equipment or conveyances used to  
43 harvest, transport or traffic in such illegal shellfish may be forfeited  
44 for any third or subsequent conviction of the above violations, in addi-  
45 tion to such penalties or imprisonment. Such forfeiture shall be in  
46 addition to any forfeiture authorized by section 71-0909 of this arti-  
47 cle.

48 5. a. Violations of:

49 (1) subdivision three of section 13-0309 of this chapter involving the  
50 illegal use of dredges, scrapes or other devices operated by power or by  
51 boats propelled by motor or other mechanical means for the purpose of  
52 taking shellfish;

53 (2) subdivision eight of section 13-0309 of this chapter involving the  
54 operation, use or placing, for whatever purpose, of dredges, rakes,  
55 tongs or other devices for the taking of shellfish in uncertified

1 shellfish lands after a prior conviction under such subdivision for such  
2 activity;

3 (3) subdivision nine of section 13-0309 of this chapter involving the  
4 altering, damaging, mutilating, moving or carrying away of buoys or  
5 markers used to designate the uncertified waters of the state;

6 (4) subdivision five of section 13-0325 of this chapter regarding the  
7 taking of undersized clams, where the taking involves between ten and  
8 twenty-four percentum of clams of less than legal size; and

9 (5) regulations promulgated by the department pursuant to section  
10 13-0327 of this chapter, regarding the taking of undersized scallops,  
11 where the taking involves between ten and twenty-four percentum of scal-  
12 lops of less than legal size.

13 b. Each such misdemeanor identified in paragraph a of this subdivision  
14 shall be punishable as follows:

15 (1) For a first conviction of any of the violations listed in para-  
16 graph a of this subdivision, by imprisonment for not more than thirty  
17 days, a fine of not less than [~~two hundred fifty~~] three hundred seven-  
18 ty-five dollars nor more than [~~five hundred~~] seven hundred fifty dollars  
19 plus, if applicable, an amount equal to the market value of the shellf-  
20 ish involved in the violation, or by both such imprisonment and fine.

21 (2) For a second conviction for any of the violations listed in para-  
22 graph a of this subdivision, by imprisonment not to exceed sixty days, a  
23 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor  
24 more than one thousand five hundred dollars plus, if applicable, an  
25 amount equal to the market value of the shellfish involved in the  
26 violation, or by both such imprisonment and fine.

27 (3) For a third or subsequent conviction for any of the violations  
28 listed in paragraph a of this subdivision, by imprisonment for not more  
29 than one hundred eighty days, a fine of not less than one thousand five  
30 hundred dollars nor more than [~~five thousand~~] seven thousand five  
31 hundred dollars plus, if applicable, an amount equal to the market value  
32 of the shellfish involved in the violation, or by both such imprisonment  
33 and fine.

34 6. Violations of paragraph b of subdivision 3 or subdivision 5 or 12  
35 of section 13-0329 of this chapter. Each such misdemeanor shall be  
36 punishable by imprisonment for not more than one year or by a fine of  
37 not less than [~~five hundred~~] seven hundred fifty dollars nor more than  
38 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

39 7. Violations of subdivision 7 or 11 of section 13-0329 of this chap-  
40 ter. Each such misdemeanor shall be punishable by imprisonment for not  
41 more than ninety days or by a fine of not less than [~~five hundred~~] seven  
42 hundred fifty dollars nor more than one thousand five hundred dollars,  
43 or by both such imprisonment and fine.

44 8. Making a false statement in applying for a license, privilege or  
45 permit under the Fish and Wildlife Law, or for a certificate in lieu of  
46 a lost license or privilege or a duplicate hunting license tag under  
47 title 7 of article 11 of this chapter. Each such misdemeanor shall be  
48 punishable by imprisonment for not more than three months, or by a fine  
49 of not more than [~~two~~] three hundred dollars, or by both such imprison-  
50 ment and fine. In addition, the department may immediately revoke the  
51 license, privilege, permit or certificate for which application was made  
52 for the remainder of its effective term.

53 9. Failure to give the department the prompt notification required  
54 under [~~subdivision 10 of~~] regulations promulgated pursuant to section  
55 13-0301 of this chapter, when the specified buoys or markers are  
56 destroyed. Each such misdemeanor shall be punishable by imprisonment for

1 not more than one year or by a fine of not more than one thousand five  
2 hundred dollars, or by both such imprisonment and fine.

3 10. Violation of subdivision 10 of section 11-0901 involving the ille-  
4 gal taking of a moose. Each such misdemeanor shall be punishable by  
5 imprisonment for not more than one year or by a fine of not more than  
6 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

7 10-a. Violations of subdivision fourteen of section 11-0901 of this  
8 chapter involving unlawful contests, competitions, tournaments and  
9 derbys to take wildlife. Each such violation shall be punishable by a  
10 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor  
11 more than [~~two~~] three thousand dollars.

12 11. Any person who violates the provisions of section 11-0537 of this  
13 chapter, in the case of a first violation, shall be guilty of a class B  
14 misdemeanor and, upon conviction thereof, shall be punished by a fine  
15 not to exceed [~~five thousand~~] seven thousand five hundred dollars or by  
16 imprisonment not to exceed ninety days, or both; provided that in the  
17 case of a second or subsequent violation such person shall be guilty of  
18 a class A misdemeanor and, upon conviction thereof, shall be punished by  
19 a fine not to exceed [~~ten~~] fifteen thousand dollars or imprisonment not  
20 to exceed one year, or both; provided, further, that the commission of  
21 each taking or other act prohibited by section 11-0537 of this chapter  
22 with respect to a bald or golden eagle shall constitute a separate  
23 violation of this section; provided, further, that one-half of any such  
24 fine, but not to exceed [~~two thousand five hundred~~] three thousand seven  
25 hundred fifty dollars, shall be paid to the person or persons giving  
26 information which leads to conviction.

27 12. Any violation of section 13-0344 of this chapter is punishable by  
28 imprisonment for not more than thirty days, or by a fine of not less  
29 than [~~two hundred fifty~~] three hundred seventy-five dollars nor more  
30 than one thousand five hundred dollars, or by both such fine and impri-  
31 sonment.

32 13. Violations of subdivision one or two of section 11-1904 of this  
33 chapter. Each such misdemeanor shall be punishable by a fine of not more  
34 than [~~two thousand five hundred~~] three thousand seven hundred fifty  
35 dollars, or by imprisonment for not more than one year, or by both such  
36 fine and imprisonment; except that where the person convicted of violat-  
37 ing such subdivision has gained money or property through the commission  
38 of the violation, in lieu of the [~~two thousand five hundred~~] three thou-  
39 sand seven hundred fifty dollar maximum fine provided for herein, the  
40 court may impose a fine in accordance with the provisions of subdivision  
41 five of section 80.05 of the penal law.

42 14. Violation of subparagraph one, two or four of paragraph b of  
43 subdivision one of section 11-0719 of this chapter involving the revoca-  
44 tion and suspension of hunting, trapping, or fishing licenses. Each  
45 such misdemeanor shall be punishable by imprisonment for not more than  
46 ninety days, or by a fine of not less than [~~five hundred~~] seven hundred  
47 fifty dollars nor more than one thousand five hundred dollars, or by  
48 both such imprisonment and fine.

49 § 11. Section 71-0923 of the environmental conservation law, as added  
50 by chapter 640 of the laws of 1977, subdivision 1 as amended and subdi-  
51 vision 6 as added by chapter 417 of the laws of 1996, subdivision 3 as  
52 amended by section 53 of part F of chapter 82 of the laws of 2002,  
53 subdivision 5 as added by chapter 896 of the laws of 1980, subdivision 8  
54 as amended by chapter 284 of the laws of 2004, subdivision 9 as added by  
55 chapter 881 of the laws of 1986 and as renumbered by chapter 586 of the  
56 laws of 1991, subdivision 10 as added by chapter 586 of the laws of

1 1991, subdivision 11 as added by chapter 381 of the laws of 1997, subdivi-  
2 sion 12 as added by chapter 653 of the laws of 2005, is amended to  
3 read as follows:

4 § 71-0923. Violations.

5 1. Any offense specified in section 71-0919 of this article, unless  
6 made a misdemeanor by section 71-0921 of this article or another  
7 provision of such chapter, shall be a violation, punishable, except as  
8 otherwise provided in this section, by imprisonment for not more than  
9 fifteen days, or by a fine of not more than [~~two hundred fifty~~] three  
10 hundred seventy-five dollars, or by both such fine and imprisonment.

11 2. A violation of subdivision 1 of section 11-0705 of this chapter  
12 shall be punishable as follows:

13 a. As provided in subdivision 1 of this section, if the violation  
14 consisted of a refusal to exhibit a license on demand of any environ-  
15 mental conservation officer or other person;

16 b. By forfeiture of the license and by a fine of not more than [~~twen-~~  
17 ~~ty-five dollars~~] thirty-seven dollars and fifty cents if the violation  
18 was committed while exercising the privileges of a special antlerless  
19 deer license and consisted of failure of the offender to have on [~~his~~]  
20 their person a license held by [~~him~~] such person entitling [~~him~~] such  
21 person to exercise those privileges.

22 3. A violation of subdivision 2 of section 11-0705 of this chapter  
23 shall be punishable by forfeiture of licenses and tags issued pursuant  
24 to this chapter which authorizes the holder to hunt wildlife and by a  
25 fine of not more than [~~twenty-five dollars~~] thirty-seven dollars and  
26 fifty cents.

27 4. When a license or license tag is forfeited as provided in this  
28 section, the licensee shall surrender it to any environmental conserva-  
29 tion officer, special game protector or any other person authorized by  
30 the department to receive it. Such forfeiture does not prevent the  
31 procurement of another license.

32 5. A violation of subdivision one of section 11-0923 of this chapter  
33 is punishable by imprisonment for not more than ten days, or by a fine  
34 of not less than [~~two~~] three hundred dollars, or by both such fine and  
35 imprisonment.

36 6. A first conviction for a violation of subdivision eight of section  
37 13-0309 of this chapter, involving devices for taking shellfish in  
38 uncertified lands, or a violation of subdivision ten of section 13-0309  
39 of this chapter, involving possession of a stick dredge, shall be  
40 punishable as a violation under this section.

41 8. Any violation of sections 13-0329, 13-0330, 13-0331, 13-0333,  
42 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339,  
43 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342,  
44 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation  
45 adopted pursuant to the foregoing sections, shall be punishable by  
46 imprisonment of not more than fifteen days or by a fine of the greater  
47 of [~~two hundred fifty~~] three hundred seventy-five dollars or:

48 a. for violations involving one to five fish, shellfish or crustace-  
49 ans, [~~twenty-five dollars~~] thirty-seven dollars and fifty cents for each  
50 fish, shellfish or crustacean taken or possessed in violation of the  
51 above sections;

52 b. for violations involving six to twenty-five fish, shellfish or  
53 crustaceans, [~~fifty~~] seventy-five dollars for each fish, shellfish or  
54 crustacean taken or possessed in violation of the above sections;

55 c. for violations involving more than twenty-five fish, shellfish or  
56 crustaceans, one hundred fifty dollars for each fish, shellfish or crus-

1 tacean taken or possessed in violation of the above sections; or by both  
2 such fine and imprisonment.

3 For purposes of determining the applicable fine pursuant to this  
4 subdivision, the number of fish, crustaceans or shellfish shall be the  
5 aggregate number involved in the violation, regardless of species.

6 9. A violation of section 11-0110 of this chapter is punishable by  
7 imprisonment for not more than ten days, or by a fine of not more than  
8 [~~two hundred fifty~~] three hundred seventy-five dollars, or by both such  
9 fine and imprisonment.

10 10. A violation of subdivision twelve of section 11-1101 of this chap-  
11 ter is punishable by imprisonment of not more than ten days, or by a  
12 fine of not more than one hundred fifty dollars, or by both such fine  
13 and imprisonment.

14 11. A violation of subdivision eight of section 11-0505 of this chap-  
15 ter shall be punishable by a fine of not more than [~~fifty~~] seventy-five  
16 dollars.

17 12. A violation of section 11-1906 of this chapter shall be punishable  
18 by a fine of not more than [~~two thousand five hundred~~] three thousand  
19 seven hundred fifty dollars.

20 § 12. Subdivisions 1 and 2 of section 71-0924 of the environmental  
21 conservation law, as amended by chapter 326 of the laws of 2014, are  
22 amended to read as follows:

23 1. where the value of fish, shellfish, crustaceans, wildlife, or parts  
24 thereof, is two hundred fifty dollars or less, the offense shall be a  
25 violation punishable by a fine of [~~five hundred~~] seven hundred fifty  
26 dollars and/or not more than fifteen days of imprisonment;

27 2. where the value of fish, shellfish, crustaceans, wildlife, or parts  
28 thereof, is more than two hundred fifty dollars but does not exceed one  
29 thousand five hundred dollars, the offense shall be a misdemeanor  
30 punishable by a fine of [~~five thousand~~] seven thousand five hundred  
31 dollars and/or not more than one year of imprisonment;

32 § 13. Section 71-0925 of the environmental conservation law, subdivi-  
33 sions 1 and 2 as amended by chapter 98 of the laws of 1996, subdivision  
34 3 as amended by chapter 408 of the laws of 2017, subdivision 6 as  
35 amended by chapter 570 of the laws of 1994, subdivisions 7 and 7-a as  
36 amended and subdivisions 7-b and 7-c as renumbered by chapter 284 of the  
37 laws of 2004, subdivision 7-b as added by chapter 441 of the laws of  
38 1977, subdivision 7-c as added by chapter 60 of the laws of 1997, subdivi-  
39 sion 13 as amended by chapter 352 of the laws of 2021, subdivision 14  
40 as added by chapter 113 of the laws of 1985, subdivision 15 as added by  
41 chapter 417 of the laws of 2013, subdivision 16 as added by chapter 326  
42 of the laws of 2014, subdivision 17 as added by chapter 651 of the laws  
43 of 2019, is amended to read as follows:

44 § 71-0925. Civil penalties.

45 The penalties referred to in section 71-0919 of this title, to which a  
46 person is liable upon violation of provisions of the Fish and Wildlife  
47 Law or any order, rule or regulation of the department, shall be:

48 1. Unless another penalty is specifically provided for in this subdivi-  
49 sion or elsewhere in the Fish and Wildlife Law, [~~two~~] three hundred  
50 dollars and an additional penalty of one hundred fifty dollars for each  
51 fish, bird or animal or part thereof, other than shellfish or crustacea,  
52 involved in the violation; an additional penalty of one hundred fifty  
53 dollars for each bushel of shellfish or each crustacean, including  
54 lobster, or part thereof, plus an amount equal to the market value or  
55 actual price paid, whichever is greater, of the shellfish or crustacea  
56 involved in the violation;

1 2. Except as provided in subdivision 3 of this section or another  
2 provision of the Fish and Wildlife Law, if the violation relates to  
3 deer, bear, elk, except captive bred and raised North American elk  
4 (*Cervus elaphus*), moose, caribou, antelope, wild turkey, lynx, beaver,  
5 or a part thereof, [~~two~~] three hundred dollars, and an additional penal-  
6 ty of two hundred dollars for each such animal or part thereof involved  
7 in the violation;

8 3. (a) If the violation involves the illegal taking of a deer prior to  
9 the first day of the open season or after the last day of the open  
10 season in the county or part of a county in which taken, or the taking  
11 of deer with aid of an artificial light, not less than five hundred  
12 dollars and not more than one thousand dollars for the first deer taken  
13 and a further penalty of not less than [~~five hundred~~] dollars and not  
14 more than one thousand five hundred dollars for each succeeding deer  
15 taken; provided, however, that any person having been held liable for a  
16 violation pursuant to this paragraph in the preceding five years shall  
17 be subject to a fine of not less than [~~seven hundred fifty~~] one thousand  
18 one hundred twenty-five dollars and not more than [~~two~~] three thousand  
19 dollars for the first deer taken and a further penalty of not less than  
20 [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars and  
21 not more than [~~two~~] three thousand dollars for each succeeding deer  
22 taken;

23 (b) If the violation involves any illegal taking of a wild deer, other  
24 than a taking described in paragraph (a) of this subdivision, [~~five~~  
25 ~~hundred~~] seven hundred fifty dollars for the first deer taken and a  
26 further penalty of [~~five hundred~~] seven hundred fifty dollars for each  
27 succeeding deer taken;

28 4. If the violation was an act prohibited by section 11-1321 of this  
29 chapter or by subdivision 2 of section 11-0503 of this chapter, or by  
30 subdivision 2 of section 11-0505 of this chapter, or section 13-0345 of  
31 this chapter, [~~five hundred~~] seven hundred fifty dollars, and an addi-  
32 tional penalty of [~~ten~~] fifteen dollars for each fish taken, killed or  
33 possessed in violation thereof;

34 5. If the violation was any act prohibited by subdivision 1 of section  
35 11-0503 of this chapter, not less than [~~five hundred~~] seven hundred  
36 fifty dollars nor more than one thousand five hundred dollars for each  
37 offense and an additional penalty of [~~ten~~] fifteen dollars for each fish  
38 killed in violation thereof;

39 6. If the violation was a violation of paragraph b of subdivision 4 of  
40 section 11-0321 of this chapter, a violation of subdivision 1 of section  
41 11-2113 of this chapter, or a violation of section 11-2115 of this chap-  
42 ter, not less than [~~twenty-five dollars~~] thirty-seven dollars and fifty  
43 cents nor more than one hundred fifty dollars; and in addition, as  
44 determined by the court, to either actual damages or the sum of [~~ten~~]  
45 fifteen dollars for each sign injured, defaced or removed in violation  
46 of section 11-2113 of this chapter, which shall be payable to the  
47 person sustaining the damage, injury, defacement or removal of such  
48 sign, and costs of suit, all of which may be recovered in the same  
49 action;

50 7. If the violation was a violation of sections 13-0329, 13-0330,  
51 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337,  
52 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g,  
53 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of  
54 any regulation adopted pursuant to the foregoing sections, the greater  
55 of [~~two hundred fifty~~] three hundred seventy-five dollars or:

1 a. for violations involving one to five fish, shellfish or crustace-  
2 ans, [~~twenty-five dollars~~] thirty-seven dollars and fifty cents for each  
3 fish, shellfish or crustacean taken or possessed in violation of the  
4 above sections;

5 b. for violations involving six to twenty-five fish, shellfish or  
6 crustaceans, [~~fifty~~] seventy-five dollars for each fish, shellfish or  
7 crustacean taken or possessed in violation of the above sections;

8 c. for violations involving more than twenty-five fish, shellfish or  
9 crustaceans, one hundred fifty dollars for each fish, shellfish or crus-  
10 tacean taken or possessed in violation of the above sections.

11 For purposes of determining the applicable fine pursuant to this  
12 subdivision, the number of fish, crustaceans or shellfish shall be the  
13 aggregate number involved in the violation, regardless of species;

14 7-a. If the violation was a violation of subdivision 1 or 2 of section  
15 13-0309, or section 13-0323 or 13-0327, or section 13-0344 of this chap-  
16 ter, not less than [~~two hundred fifty~~] three hundred seventy-five  
17 dollars nor more than one thousand five hundred dollars for each  
18 offense;

19 7-b. If the violation was a violation of subdivision one or two of  
20 section 13-0325 of this chapter there shall be a minimum penalty of  
21 twenty-five dollars and a maximum of [~~two hundred fifty~~] three hundred  
22 seventy-five dollars per container or bushel involved in the violation.

23 7-c. If the violation was a violation of subdivision 4 or 5 of section  
24 13-0333 of this chapter, not less than [~~two thousand five hundred~~] three  
25 thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen thou-  
26 sand dollars for each offense;

27 8. If a violation of subdivisions 1 or 2 of section 13-0309 of this  
28 chapter occurs during the time when a permit or license to take shellf-  
29 ish has been suspended or revoked pursuant to the provisions of subdivi-  
30 sion 3 of section 13-0311 or subparagraph (3) of paragraph b of subdivi-  
31 sion 1 of section 11-0719 of this chapter, not less than five hundred  
32 dollars nor more than [~~fifteen hundred~~] two thousand two hundred fifty  
33 dollars for each offense, and in addition the forfeiture to the state of  
34 the tongs, rakes, dredges or devices other than boats used by or in  
35 connection with such illegal taking;

36 9. If the violation was a failure by any public officer to perform any  
37 duty imposed by the Fish and Wildlife Law or by any rule or regulation  
38 of the department, one hundred fifty dollars;

39 10. If the violation was an act prohibited by section 11-2117 of this  
40 chapter, one hundred fifty dollars, one-half of which shall be payable  
41 to the owner or occupant of the damaged property, in addition to the  
42 actual damages, if any, recoverable by the person sustaining the damage;

43 11. If the violation involved the illegal taking or possessing of  
44 muskrats taken from a registered muskrat marsh covered by a permit under  
45 section 11-1109 of this chapter, when the violation is committed by the  
46 registrant holding the permit or other person designated in writing to  
47 trap on the marsh of such registrant, while the permit is in force, not  
48 less than one hundred fifty dollars nor more than [~~five hundred~~] seven  
49 hundred fifty dollars;

50 12. If the violation was a violation of section 11-1731 of this chap-  
51 ter; relating to bird plumage for fish-fly tying, [~~five hundred~~] seven  
52 hundred fifty dollars.

53 13. If the violation was an act prohibited by subdivision two of  
54 section 11-0535 or by section 11-0536 of this chapter, or by any lawful  
55 rule or regulation of the department promulgated pursuant thereto, not  
56 more than [~~four~~] six thousand dollars, and an additional penalty of not

1 more than [~~seven hundred~~] one thousand fifty dollars for each fish,  
2 shellfish, crustacea, wildlife or part thereof involved in the  
3 violation. If the violation was an act prohibited by any regulation of  
4 the department promulgated pursuant to subdivision three of section  
5 11-0535 of this chapter, then such penalty shall be not more than two  
6 thousand dollars, and an additional penalty of not more than four  
7 hundred dollars for each fish, shellfish, crustacea, wildlife or part  
8 thereof involved in the violation.

9 14. If the violation was a violation of subdivision ten of section  
10 11-0901 of this chapter involving the illegal taking of a moose, [~~two~~]  
11 three thousand dollars.

12 15. If the violation was a first or second violation of section  
13 11-0514 of this chapter, a fine of up to [~~five hundred~~] seven hundred  
14 fifty dollars for each animal for each act of importation, possession,  
15 introduction, sale, offer for sale, distribution, transportation or  
16 otherwise marketing or trading. For a third or subsequent separate  
17 violation of section 11-0514 of this chapter, the greater of a. a fine  
18 of one thousand five hundred dollars for each animal for each act of  
19 importation, breeding, possession, introduction, sale, offer for sale,  
20 distribution, transportation or otherwise marketing or trading or b. an  
21 amount equal to three times (1) the financial security provided by  
22 customers for the opportunity to take the animal or (2) the value of a  
23 boar for meat production or as breeding stock.

24 16. If the violation was an act prohibited by section 11-0535-a of  
25 this chapter, not more than [~~three thousand~~] four thousand five hundred  
26 dollars or not more than two times the value of the article involved,  
27 whichever is greater. If the violation is a second or subsequent  
28 violation of such section 11-0535-a, not more than [~~six~~] nine thousand  
29 dollars or not more than three times the value of the article involved,  
30 whichever is greater.

31 17. If the violation was an act prohibited by section 11-0535-b of  
32 this chapter, not more than one thousand five hundred dollars or not  
33 more than two times the value of the article involved, whichever is  
34 greater. If the violation is a second or subsequent violation of such  
35 section 11-0535-b, not more than [~~two~~] three thousand dollars or not  
36 more than three times the value of the article involved, whichever is  
37 greater.

38 § 14. Section 71-1105 of the environmental conservation law, as  
39 amended by chapter 99 of the laws of 2010, is amended to read as  
40 follows:

41 § 71-1105. Enforcement of subdivision 4 of section 15-0313.

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

47 § 15. Section 71-1107 of the environmental conservation law, as  
48 amended by chapter 640 of the laws of 1977, is amended to read as  
49 follows:

50 § 71-1107. Punishment for violations of title 5 of article 15.

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

1 2. A subcontractor, employee or agent of such person or public corpo-  
2 ration, or of a state department who knowingly and intentionally acts,  
3 or a prime contractor of such person, public corporation or state  
4 department who acts with or without an intention to violate the  
5 provisions of title 5 of article 15, in disregard of specifications  
6 provided in a construction contract protecting against stream damage,  
7 shall be guilty of a violation punishable by a fine of not less than  
8 [~~twenty-five~~] thirty-seven dollars and fifty cents, nor more than [~~two~~  
9 ~~hundred-fifty~~] three hundred seventy-five dollars, or by imprisonment  
10 for not more than fifteen days, or by both such fine and imprisonment,  
11 and, in addition, thereto, by a civil penalty of not more than [~~five~~  
12 ~~thousand~~] seven thousand five hundred dollars.

13 § 16. Section 71-1109 of the environmental conservation law, as  
14 amended by chapter 364 of the laws of 1999, is amended to read as  
15 follows:

16 § 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

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

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

29 § 17. Section 71-1111 of the environmental conservation law, as  
30 amended by chapter 364 of the laws of 1999, is amended to read as  
31 follows:

32 § 71-1111. Enforcement of subdivision 3 of section 15-0511.

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

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

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

49 § 19. Section 71-1115 of the environmental conservation law, as  
50 amended by chapter 640 of the laws of 1977, is amended to read as  
51 follows:

52 § 71-1115. Enforcement of section 15-1525.

53 Any person violating the provisions of section 15-1525 shall be guilty  
54 of a violation punishable by a fine of not more than one thousand five  
55 hundred dollars, and in addition thereto, shall be liable for a civil

1 penalty of not more than [~~five thousand~~] two thousand two hundred  
2 fifty dollars.

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

6 1. Any person or public corporation violating subdivision 1 of section  
7 15-1745, shall be guilty of a violation punishable by a fine of not more  
8 than [~~five thousand~~] seven thousand five hundred dollars.

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

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

18 § 71-1121. Enforcement of subdivision 2 of section 15-1947.

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

23 § 22. Section 71-1123 of the environmental conservation law, as  
24 amended by chapter 640 of the laws of 1977, is amended to read as  
25 follows:

26 § 71-1123. Enforcement of section 15-2133.

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

32 2. Any person violating the provisions of subdivision 3 of section  
33 15-2133 shall be guilty of a violation punishable by a fine of not more  
34 than one thousand five hundred dollars, and in addition thereto, shall  
35 be liable for a civil penalty of not more than [~~five thousand~~] two  
36 thousand two hundred fifty dollars.

37 § 23. Section 71-1125 of the environmental conservation law, as  
38 amended by chapter 640 of the laws of 1977, is amended to read as  
39 follows:

40 § 71-1125. Enforcement of section 15-2315.

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

46 § 24. Subdivision 1 of section 71-1127 of the environmental conserva-  
47 tion law, as amended by chapter 401 of the laws of 2011, is amended to  
48 read as follows:

49 1. Any person who violates any of the provisions of, or who fails to  
50 perform any duty imposed by article 15 except section 15-1713, or who  
51 violates or who fails to comply with any rule, regulation, determination  
52 or order of the department heretofore or hereafter promulgated pursuant  
53 to article 15 except section 15-1713, or any condition of a permit  
54 issued pursuant to article 15 of this chapter, or any determination or  
55 order of the former water resources commission or the department hereto-  
56 fore promulgated pursuant to former article 5 of the Conservation Law,

1 shall be liable for a civil penalty of not more than [~~two thousand five~~  
2 three thousand seven hundred fifty dollars for such violation and an  
3 additional civil penalty of not more than [~~five~~ seven hundred fifty  
4 dollars for each day during which such violation continues, and, in  
5 addition thereto, such person may be enjoined from continuing such  
6 violation as otherwise provided in article 15 except section 15-1713.

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

9 § 71-1131. Violations; criminal liability.

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

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

17 § 71-1203. Penalties.

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

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

26 1. Administrative sanctions. Any person who violates any provision of  
27 article 23 of this chapter or commits any offense described in section  
28 71-1305 of this title shall be liable to the people of the state for a  
29 civil penalty not to exceed [~~eight~~ twelve thousand dollars and an addi-  
30 tional penalty of [~~two~~ three thousand dollars for each day during which  
31 such violation continues, to be assessed by the commissioner after a  
32 hearing or opportunity to be heard. The commissioner, acting by the  
33 attorney general, may bring suit for collection of such assessed civil  
34 penalty in any court of competent jurisdiction. Such civil penalty may  
35 be released or compromised by the commissioner before the matter has  
36 been referred to the attorney general; and where such matter has been  
37 referred to the attorney general, any such penalty may be released or  
38 compromised and any action commenced to recover the same may be settled  
39 and discontinued by the attorney general with the consent of the commis-  
40 sioner. In addition, the commissioner shall have the power, following a  
41 hearing conducted pursuant to rules and regulations adopted by the  
42 department, to direct the violator to cease the violation and reclaim  
43 and repair the affected site to a condition acceptable to the commis-  
44 sioner, to the extent possible within a reasonable time and under the  
45 direction and supervision of the commissioner. Any such order of the  
46 commissioner shall be enforceable in any action brought by the commis-  
47 sioner in any court of competent jurisdiction. Any civil penalty or  
48 order issued by the commissioner under this subdivision shall be review-  
49 able in a proceeding under article seventy-eight of the civil practice  
50 law and rules.

51 3. Criminal sanctions. Any person who, having any of the culpable  
52 mental states defined in sections 15.05 and 20.20 of the penal law,  
53 violates any provision of article 23 of this chapter or commits any  
54 offense described in section 71-1305 of this title shall be guilty of a  
55 misdemeanor and, upon conviction thereof, shall be punished by a fine  
56 not to exceed one thousand five hundred dollars for each day during

1 which such violation continues or by imprisonment for a term of not more  
2 than one year, or by both such fine and imprisonment. If the conviction  
3 is for a subsequent offense committed after a first conviction of such  
4 person under this subdivision, punishment shall be by a fine not to  
5 exceed [~~eight~~] twelve thousand dollars for each day during which such  
6 violation continues or by imprisonment for a term of not more than one  
7 year, or by both such fine and imprisonment.

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

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

17 § 29. Section 71-1711 of the environmental conservation law is amended  
18 to read as follows:

19 § 71-1711. Willful violation of health laws.

20 1. A person who willfully violates or refuses or omits to comply with  
21 any lawful order or regulation prescribed by any local board of health  
22 or local health officer, is guilty of a misdemeanor; except, however,  
23 that where such order or regulation applies to a tenant with respect to  
24 [~~his~~] such tenant's own dwelling unit or to an owner occupied one or two  
25 family dwelling, such person is guilty of an offense for the first  
26 violation punishable by a fine not to exceed [~~fifty~~] seventy-five  
27 dollars and for a second or subsequent violation is guilty of a misde-  
28 meanor punishable by a fine not to exceed [~~five~~] seven hundred fifty  
29 dollars or by imprisonment not to exceed six months or by both such fine  
30 and imprisonment.

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

38 § 30. Section 71-1725 of the environmental conservation law, as  
39 amended by chapter 400 of the laws of 1973, is amended to read as  
40 follows:

41 § 71-1725. Assessment of Penalties.

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

48 § 31. Section 71-1905 of the environmental conservation law is amended  
49 to read as follows:

50 § 71-1905. Enforcement of section 17-1705.

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

54 § 32. Subdivision 1 of section 71-1907 of the environmental conserva-  
55 tion law is amended to read as follows:

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

7 § 33. Subdivision 2 of section 71-1909 of the environmental conserva-  
8 tion law, as amended by section 35 of part C of chapter 62 of the laws  
9 of 2003, is amended to read as follows:

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

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

18 § 71-1911. Enforcement of section 17-1711.

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

22 § 35. Subdivision 2 of section 71-1913 of the environmental conserva-  
23 tion law is amended to read as follows:

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

28 § 36. Subdivision 1 of section 71-1915 of the environmental conserva-  
29 tion law is amended to read as follows:

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

34 § 37. Subdivision 1 of section 71-1921 of the environmental conserva-  
35 tion law is amended to read as follows:

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

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

45 1. A person who violates any of the provisions of, or who fails to  
46 perform any duty imposed by titles 1 through 11 inclusive and title 19  
47 of article 17, or the rules, regulations, orders or determinations of  
48 the commissioner promulgated thereto or the terms of any permit issued  
49 thereunder, shall be liable to a penalty of not to exceed [~~thirty-seven~~  
50 thousand five hundred] fifty-six thousand two hundred fifty dollars per  
51 day for each violation, and, in addition thereto, such person may be  
52 enjoined from continuing such violation as hereinafter provided.  
53 Violation of a permit condition shall constitute grounds for revocation  
54 of such permit, which revocation may be accomplished either as provided  
55 in paragraph f of subdivision 4 of section 17-0303 or by order of judg-

1 ment of the supreme court as an alternate or additional civil penalty in  
2 an action brought pursuant to subdivision 3 of this section.

3 § 39. Subdivision 1 and subparagraphs i, ii, iii and iv of paragraph b  
4 of subdivision 8 of section 71-1933 of the environmental conservation  
5 law, subdivision 1 as amended by section 38 and subparagraphs i, ii, iii  
6 and iv of paragraph b of subdivision 8 as amended by section 39 of part  
7 C of chapter 62 of the laws of 2003, are amended to read as follows:

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

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

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

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

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

32 § 40. Paragraph b of subdivision 3 of section 71-1939 of the environ-  
33 mental conservation law, as added by chapter 543 of the laws of 2010, is  
34 amended to read as follows:

35 b. All fines and penalties collected pursuant to this subdivision  
36 shall be paid to the district or county, provided, however, that one-  
37 quarter of such fines and penalties received shall be paid to the  
38 [~~general fund to the credit of the state purposes account~~] conservation  
39 fund to the credit of the conservation enforcement account established  
40 pursuant to subdivision (k) of section eighty-three of the state finance  
41 law.

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

45 1. Except where the owner of or a person in actual or constructive  
46 possession or control of more than one thousand one hundred gallons, in  
47 bulk, of any liquid including petroleum which, if released, would or  
48 would be likely to pollute the lands or waters of the state including  
49 the groundwaters thereof can prove that the entry or presence of any  
50 part of such liquid onto such lands or into or in such waters causing or  
51 contributing to a condition therein in contravention of the standards  
52 adopted or deemed adopted by the water pollution control board or any of  
53 its legal successors was caused solely by (A) an act of God, (B) an act  
54 of war, (C) negligence on the part of the United States or New York  
55 State Government or (D) an act or omission of a third party without  
56 regard to whether any such act or omission was or was not negligent, or

1 any combination of the foregoing clauses, such owner or person shall be  
2 liable for a penalty of not more than [~~three thousand seven hundred~~  
3 ~~fifty~~] five thousand six hundred twenty-five dollars for an initial  
4 incident resulting in or contributing to such a contravention and for an  
5 additional penalty not to exceed [~~seven hundred fifty~~] one thousand one  
6 hundred twenty-five dollars for each day during which such contravention  
7 or contribution thereto continues, and in addition shall be liable to  
8 the people of the state of New York for the actual costs incurred by or  
9 on behalf of the people of the state for the removal or neutralization  
10 of such liquid and for any and all reasonable measures taken or  
11 attempted to reduce, limit or diminish the extent or effect of such  
12 contravention.

13 § 42. Section 71-1943 of the environmental conservation law, as  
14 amended by section 41 of part C of chapter 62 of the laws of 2003, is  
15 amended to read as follows:

16 § 71-1943. Enforcement of section 17-1743.

17 Any person who fails to so notify the department of such release,  
18 discharge or spill into the waters of the state as described in section  
19 17-1743 of this chapter shall, upon conviction, be fined not more than  
20 [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-  
21 five dollars or imprisoned for not more than one year, or both.

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

24 § 71-1945. Enforcement of title 21 of article 17.

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

32 2. Any owner or owner's agent, or occupant of a household who violates  
33 any provision of title 21 of article 17 of this chapter or any rule,  
34 regulation or order issued thereunder shall, for a first violation be  
35 issued a written warning and be provided educational materials. Upon a  
36 second violation, the owner or owner's agent, or occupant of a household  
37 shall be liable to the people of the state for a civil penalty not to  
38 exceed one hundred fifty dollars, and for any subsequent violations  
39 shall be liable to the people of the state for a civil penalty not to  
40 exceed [~~two hundred fifty~~] three hundred twenty-five dollars. No owner  
41 or owner's agent of a household shall be held liable for any violation  
42 by an occupant. Such penalties may be assessed by the commissioner after  
43 a hearing or opportunity to be heard.

44 § 44. Subdivision 1 of section 71-2103 of the environmental conserva-  
45 tion law, as amended by chapter 99 of the laws of 2010, is amended to  
46 read as follows:

47 1. Except as provided in section 71-2113, any person who violates any  
48 provision of article nineteen or any code, rule or regulation which was  
49 promulgated pursuant thereto; or any order except an order directing  
50 such person to pay a penalty by a specified date issued by the commis-  
51 sioner pursuant thereto, shall be liable, in the case of a first  
52 violation, for a penalty not less than [~~five~~] seven hundred fifty  
53 dollars nor more than [~~eighteen~~] twenty-seven thousand dollars for said  
54 violation and an additional penalty of not to exceed [~~fifteen thousand~~]  
55 twenty thousand five hundred dollars for each day during which such  
56 violation continues. In the case of a second or any further violation,

1 the liability shall be for a penalty not to exceed [~~twenty-six~~] thirty-  
2 nine thousand dollars for said violation and an additional penalty not  
3 to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven  
4 hundred fifty dollars for each day during which such violation contin-  
5 ues. In addition thereto, such person may be enjoined from continuing  
6 such violation as hereinafter provided.

7 § 45. Subdivision 1 of section 71-2105 of the environmental conserva-  
8 tion law, as amended by chapter 99 of the laws of 2010, is amended to  
9 read as follows:

10 1. Except as provided in section 71-2113, any person who shall wilful-  
11 ly violate any of the provisions of article 19 or any code, rule or  
12 regulation promulgated pursuant thereto or any final determination or  
13 order of the commissioner made pursuant to article 19 shall be guilty of  
14 a misdemeanor, and, upon conviction thereof, shall be punished by a  
15 fine, in the case of a first conviction, of not less than [~~five~~] seven  
16 hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand  
17 dollars or by imprisonment for a term of not more than one year, or by  
18 both such fine and imprisonment, for each separate violation. If the  
19 conviction is for an offense committed after the first conviction of  
20 such person under this subdivision, such person shall be punished by a  
21 fine not to exceed [~~twenty-six~~] thirty-nine thousand dollars, or by  
22 imprisonment, or by both such fine and imprisonment. Each day on which  
23 such violation occurs shall constitute a separate violation.

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

26 § 71-2111. Enforcement of air pollution emergency rules and regulations.

27 Any person who violates any of the provisions of any regulation  
28 promulgated by the commissioner under authority of paragraph y of subdi-  
29 vision one of section 3-0301 shall be liable for a civil penalty of not  
30 more than [~~twenty-five~~] three thousand seven hundred fifty dollars for  
31 each such violation and an additional penalty of not more than [~~five~~]  
32 seven hundred fifty dollars for each day during which such violation  
33 continues, and, in addition thereto, such persons may be enjoined from  
34 continuing such violation. Penalties and injunctive relief provided  
35 herein shall be recoverable in an action brought by the attorney general  
36 at the request and in the name of the commissioner.

37 § 47. Section 71-2113 of the environmental conservation law, as added  
38 by chapter 942 of the laws of 1984, subdivision 1 as amended by section  
39 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of  
40 the laws of 2003, is amended to read as follows:

41 § 71-2113. Violations of section 19-0304 of article 19 of this chapter.

42 1. Civil and administrative sanctions. Any person who violates any of  
43 the provisions of, or who fails to perform any duty imposed by section  
44 19-0304 of this chapter, or any rule or regulation promulgated pursuant  
45 thereto, or any term or condition of any certificate or permit issued  
46 pursuant thereto, or any final determination or order of the commission-  
47 er made pursuant to article 19 of this chapter concerning a violation of  
48 section 19-0304 of this chapter shall be liable in the case of a first  
49 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~  
50 hundred] fifty-six thousand two hundred fifty dollars and an additional  
51 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six  
52 thousand two hundred fifty dollars for each day during which such  
53 violation continues, to be assessed by the commissioner after an oppor-  
54 tunity to be heard pursuant to the provisions of section 71-1709 of this  
55 article, or by the court in any action or proceeding pursuant to section  
56 71-2107 of this title, and, in addition thereto, such person may by

1 similar process be enjoined from continuing such violation and any  
2 permit or certificate issued to such person may be revoked or suspended  
3 or a pending renewal application denied. In the case of a second and any  
4 further violation, the liability shall be for a civil penalty not to  
5 exceed [~~seventy-five~~] one hundred twelve thousand five hundred  
6 dollars for each such violation and an additional penalty not to exceed seven-  
7 ty-five thousand dollars for each day during which such violation  
8 continues.

9 2. Criminal sanctions. Any person who, having any of the culpable  
10 mental states defined in section 15.05 of the penal law, shall violate  
11 any of the provisions of or who fails to perform any duty imposed by  
12 section 19-0304 of this chapter, or any rules and regulations promulgat-  
13 ed pursuant thereto, or any term or condition of any certificate or  
14 permit issued pursuant thereto, or any final determination or order of  
15 the commissioner made pursuant to article 19 of this chapter concerning  
16 a violation of section 19-0304 of this chapter shall be guilty of a  
17 misdemeanor and, upon conviction thereof, shall for a first conviction  
18 be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~]  
19 fifty-six thousand two hundred fifty dollars per day of violation or by  
20 imprisonment for a term of not more than one year, or both such fine and  
21 imprisonment. If the conviction is for an offense committed after a  
22 first conviction of such person under this subdivision, punishment shall  
23 be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand  
24 five hundred dollars per day of violation, or by imprisonment for not  
25 more than two years or by both such fine and imprisonment.

26 § 48. Section 71-2201 of the environmental conservation law, as added  
27 by chapter 740 of the laws of 1978, the opening paragraph and subdivi-  
28 sion 1 as amended and subdivision 3 as added by chapter 901 of the laws  
29 of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is  
30 amended to read as follows:

31 § 71-2201. Enforcement of title 23 of article 23 of this chapter.

32 Administrative and civil sanctions. 1. Any person who violates any of  
33 the provisions of, or who fails to perform any duty imposed by title 23  
34 of article 23 except the duty to accept used oil pursuant to section  
35 23-2307 or any person subject to section 23-2308 or any rule or regu-  
36 lation promulgated pursuant thereto, or any term or condition of any  
37 certificate or permit issued pursuant thereto, or any final determi-  
38 nation or order of the commissioner made pursuant to this section shall  
39 be liable for a civil penalty not to exceed one thousand five hundred  
40 dollars for each such violation and an additional penalty of not more  
41 than [~~five~~] seven hundred fifty dollars for each day during which such  
42 violation continues, to be assessed by the commissioner after a hearing  
43 or opportunity to be heard pursuant to the provisions of section 71-1709  
44 of this chapter, and, in addition thereto, such person may by similar  
45 process be enjoined from continuing such violation and any permit or  
46 certificate issued to such person may be revoked or suspended or a pend-  
47 ing renewal application denied.

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

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

54 4. Notwithstanding any other provision of law, any person who shall  
55 violate the provisions of paragraph [~~(e)~~] c of subdivision one of  
56 section 23-2307 or paragraph [~~(d)~~] d of subdivision two of section

1 23-2307 of this chapter shall be liable for a civil penalty of not more  
2 than [~~five~~] seven hundred fifty dollars, and an additional civil penalty  
3 of not more than [~~five~~] seven hundred fifty dollars for each day during  
4 which such violation continues, not to exceed [~~ten~~] fifteen thousand  
5 dollars.

6 § 49. Section 71-2303 of the environmental conservation law, as  
7 amended by chapter 99 of the laws of 2010, subdivisions 1 and 2 as  
8 amended by section 15 of part QQ of chapter 58 of the laws of 2022, is  
9 amended to read as follows:

10 § 71-2303. Violation; penalties.

11 1. Civil sanctions. a. Any person who violates, disobeys or disregards  
12 any provision of article twenty-four, including title five and section  
13 24-0507 thereof or any rule or regulation, local law or ordinance,  
14 permit or order issued pursuant thereto, shall be liable to the people  
15 of the state for a civil penalty of not to exceed [~~eleven~~] sixteen thou-  
16 sand five hundred dollars for every such violation, to be assessed,  
17 after a hearing or opportunity to be heard upon due notice and with the  
18 rights to specification of the charges and representation by counsel at  
19 such hearing, by the commissioner or local government or in an action  
20 initiated by the attorney general pursuant to section 71-2305 of this  
21 title or on the attorney general's own initiative. Each violation shall  
22 be a separate and distinct violation and, in the case of a continuing  
23 violation, each day's continuance thereof shall be deemed a separate and  
24 distinct violation. Such penalty assessed by the commissioner or local  
25 government may be recovered in an action brought by the attorney general  
26 at the request and in the name of the commissioner or local government  
27 in any court of competent jurisdiction. Such civil penalty may be  
28 released or compromised by the commissioner or local government before  
29 the matter has been referred to the attorney general; and where such  
30 matter has been referred to the attorney general, any such penalty may  
31 be released or compromised and any action commenced to recover the same  
32 may be settled and discontinued by the attorney general with the consent  
33 of the commissioner or local government. In addition, the commissioner  
34 or local government shall have power, following a hearing held in  
35 conformance with the procedures set forth in section 71-1709 of this  
36 article, to direct the violator to cease violating the act and to  
37 restore the affected freshwater wetland to its condition prior to the  
38 violation, insofar as that is possible within a reasonable time and  
39 under the supervision of the commissioner or local government. Any such  
40 order of the commissioner or local government shall be enforceable in an  
41 action brought by the attorney general at the request and in the name of  
42 the commissioner or local government in any court of competent jurisdic-  
43 tion. Any civil penalty or order issued by the commissioner or local  
44 government pursuant to this subdivision shall be reviewable in a  
45 proceeding pursuant to article seventy-eight of the civil practice law  
46 and rules.

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

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

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

22 § 50. Paragraph a of subdivision 1 and subdivision 2 of section  
23 71-2503 of the environmental conservation law, as amended by chapter 666  
24 of the laws of 1989, are amended to read as follows:

25 a. Any person who violates, disobeys or disregards any provision of  
26 article twenty-five shall be liable to the people of the state for a  
27 civil penalty of not to exceed [~~ten~~] fifteen thousand dollars for every  
28 such violation, to be assessed, after a hearing or opportunity to be  
29 heard, by the commissioner. Each violation shall be a separate and  
30 distinct violation and, in the case of a continuing violation, each  
31 day's continuance thereof shall be deemed a separate and distinct  
32 violation. The penalty may be recovered in an action brought by the  
33 commissioner in any court of competent jurisdiction. Such civil penalty  
34 may be released or compromised by the commissioner before the matter has  
35 been referred to the attorney general; and where such matter has been  
36 referred to the attorney general, any such penalty may be released or  
37 compromised and any action commenced to recover the same may be settled  
38 and discontinued by the attorney general with the consent of the commis-  
39 sioner.

40 2. Criminal sanctions. Any person who violates any provision of arti-  
41 cle twenty-five shall, in addition, for the first offense, be guilty of  
42 a violation punishable by a fine of not less than [~~five~~] seven hundred  
43 fifty nor more than [~~five~~] seven thousand five hundred dollars; for a  
44 second and each subsequent offense such person shall be guilty of a  
45 misdemeanor punishable by a fine of not less than one thousand five  
46 hundred nor more than [~~ten~~] fifteen thousand dollars or a term of impri-  
47 sonment of not less than fifteen days nor more than six months or both.  
48 In addition to or instead of these punishments, any offender shall be  
49 punishable by being ordered by the court to restore the affected tidal  
50 wetland or area immediately adjacent thereto to its condition prior to  
51 the offense, insofar as that is possible. The court shall specify a  
52 reasonable time for the completion of the restoration, which shall be  
53 effected under the supervision of the commissioner. Each offense shall  
54 be a separate and distinct offense and, in the case of a continuing  
55 offense, each day's continuance thereof shall be deemed a separate and  
56 distinct offense.

1 § 51. Section 71-2505 of the environmental conservation law, as  
2 amended by chapter 249 of the laws of 1997, is amended to read as  
3 follows:

4 § 71-2505. Enforcement.

5 The attorney general, on [~~his~~] their own initiative or at the request  
6 of the commissioner, shall prosecute persons who violate article twen-  
7 ty-five. In addition the attorney general, on [~~his~~] their own initi-  
8 ative or at the request of the commissioner, shall have the right to  
9 recover a civil penalty of up to [~~ten~~] fifteen thousand dollars for  
10 every violation of any provision of such article, and to seek equitable  
11 relief to restrain any violation or threatened violation of such article  
12 and to require the restoration of any affected tidal wetland or area  
13 immediately adjacent thereto to its condition prior to the violation,  
14 insofar as that is possible, within a reasonable time and under the  
15 supervision of the commissioner. In the case of a continuing violation,  
16 each day's continuance thereof shall be deemed a separate and distinct  
17 violation.

18 § 52. Subdivisions 1, 2 and 3 of section 71-2703 of the environmental  
19 conservation law, subdivisions 1 and 2 as amended by chapter 508 of the  
20 laws of 1995, paragraph a of subdivision 1 as amended by section 25,  
21 subparagraphs i and ii of paragraph b of subdivision 1 as amended by  
22 section 26, paragraph a and subparagraphs i and ii of paragraph b of  
23 subdivision 2 as amended by section 27, subparagraphs i and ii of para-  
24 graph c of subdivision 2 as amended by section 28 and subdivision 3 as  
25 amended by section 29 of part C of chapter 62 of the laws of 2003, are  
26 amended to read as follows:

27 1. Civil and administrative sanctions. a. Any person who violates any  
28 of the provisions of, or who fails to perform any duty imposed by title  
29 3 or 7 of article 27 of this chapter or any rule or regulation promul-  
30 gated pursuant thereto, or any term or condition of any certificate or  
31 permit issued pursuant thereto, or any final determination or order of  
32 the commissioner made pursuant to this title shall be liable for a civil  
33 penalty not to exceed [~~seven thousand five hundred~~] eleven thousand two  
34 hundred fifty dollars for each such violation and an additional penalty  
35 of not more than [~~one thousand five hundred~~] two thousand two hundred  
36 fifty dollars for each day during which such violation continues, to be  
37 assessed by the commissioner after an opportunity to be heard pursuant  
38 to the provisions of section 71-1709 of this article, or by the court in  
39 any action or proceeding pursuant to section 71-2727 of this title, and,  
40 in addition thereto, such person may by similar process be enjoined from  
41 continuing such violation and any permit or certificate issued to such  
42 person may be revoked or suspended or a pending renewal application  
43 denied.

44 b. i. Any person who violates any of the provisions of, or who fails  
45 to perform any duty imposed by, title 3 or 7 of article 27 of this chap-  
46 ter, or any rule or regulation promulgated pursuant thereto, or any term  
47 or condition of any certificate or permit issued pursuant thereto and  
48 thereby causes the release of solid waste into the environment, shall be  
49 liable for a civil penalty not to exceed [~~eleven thousand two hundred~~  
50 ~~fifty~~] sixteen thousand eight hundred seventy-five dollars for each such  
51 violation and an additional penalty of not more than [~~eleven thousand~~  
52 ~~two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars  
53 for each day during which such violation continues, to be assessed by  
54 the commissioner after an opportunity to be heard pursuant to the  
55 provisions of section 71-1709 of this article, or by the court in any  
56 action or proceeding pursuant to section 71-2727 of this title, and, in

1 addition thereto, such person may by similar process be enjoined from  
2 continuing such violation and any permit or certificate issued to such  
3 person may be revoked or suspended or a pending renewal application  
4 denied.

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

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

24 2. Criminal sanctions. a. Any person who, having any of the culpable  
25 mental states defined in section 15.05 of the penal law, shall violate  
26 any of the provisions of or who fails to perform any duty imposed by  
27 title 3 or 7 of article 27 of this chapter, or any rules and regulations  
28 promulgated pursuant thereto, or any final determination or order of the  
29 commissioner made pursuant to this title shall be guilty of a violation  
30 and, upon conviction thereof, shall be punished by a fine of not less  
31 than [~~one thousand five hundred~~] two thousand two hundred fifty dollars  
32 nor more than [~~fifteen~~] twenty-two thousand five hundred dollars per day  
33 of violation or by imprisonment for not more than fifteen days or by  
34 both such fine and imprisonment.

35 b. i. Any person who shall violate paragraph a of this subdivision and  
36 thereby causes or attempts to cause the release of more than ten cubic  
37 yards of solid waste into the environment shall be guilty of a class B  
38 misdemeanor and, upon conviction thereof, shall be punished by a fine of  
39 not less than [~~three thousand seven hundred fifty~~] five thousand six  
40 hundred twenty-five dollars per day nor more than [~~twenty-two thousand~~  
41 ~~five hundred~~] thirty-three thousand seven hundred fifty dollars per day  
42 of violation, or by imprisonment for a term in accordance with the penal  
43 law, or by both such fine and imprisonment.

44 ii. Any person who shall violate paragraph a of this subdivision and  
45 thereby causes or attempts to cause the release of more than ten cubic  
46 yards of solid waste into the environment, after having been convicted  
47 of a violation of this subdivision within the preceding five years,  
48 shall be guilty of a class A misdemeanor and, upon conviction thereof,  
49 shall be punished by a fine of not less than [~~three thousand seven~~  
50 ~~hundred fifty~~] five thousand six hundred twenty-five dollars per day nor  
51 more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two  
52 hundred fifty dollars per day of violation, or by imprisonment for a  
53 term in accordance with the penal law, or by both such fine and impri-  
54 sonment.

55 c. i. Any person who shall violate paragraph a of this subdivision and  
56 thereby causes or attempts to cause the release of more than seventy

1 cubic yards of solid waste into the environment shall be guilty of a  
2 class A misdemeanor and, upon conviction thereof, shall be punished by a  
3 fine of not less than [~~three thousand seven hundred fifty~~] five thousand  
4 six hundred twenty-five dollars per day nor more than [~~thirty-seven~~  
5 ~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per  
6 day of violation, or by imprisonment for a term in accordance with the  
7 penal law, or by both such fine and imprisonment.

8 ii. Any person who shall violate paragraph a of this subdivision and  
9 thereby causes or attempts to cause the release of more than seventy  
10 cubic yards of solid waste into the environment, after having been  
11 convicted of a violation of this subdivision within the preceding five  
12 years, shall be guilty of a class E felony and, upon conviction thereof,  
13 shall be punished by a fine of not less than [~~seven thousand five~~  
14 ~~hundred~~] eleven thousand two hundred fifty dollars per day nor more than  
15 [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day  
16 of violation, or by imprisonment for a term in accordance with the penal  
17 law, or by both such fine and imprisonment.

18 3. Additional sanctions. Any person who violates any of the provisions  
19 of, or who fails to perform any duty imposed by title 7 of article 27,  
20 with regard to the construction and operation of facilities for the  
21 disposal of construction and demolition debris or any rule or regulation  
22 promulgated pursuant thereto, or any term or condition of any certifi-  
23 cate or permit issued pursuant thereto or any final determination or  
24 order of the commissioner made pursuant to this title shall be liable  
25 for a civil penalty not to exceed [~~fifteen~~] twenty-two thousand five  
26 hundred dollars and each day of such deposition shall constitute a sepa-  
27 rate violation and said civil penalty is in addition to any other fines  
28 or penalties which may be applied pursuant to this title.

29 § 53. Section 71-2705 of the environmental conservation law, as added  
30 by chapter 550 of the laws of 1980, subdivision 1 as amended by section  
31 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of  
32 the laws of 2003, is amended to read as follows:

33 § 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chap-  
34 ter.

35 1. Civil and administrative sanctions. Any person who violates any of  
36 the provisions of, or who fails to perform any duty imposed by titles 9,  
37 11 and 13 of article 27 or any rule or regulation promulgated pursuant  
38 thereto, or any term or condition of any certificate or permit issued  
39 pursuant thereto, or any final determination or order of the commission-  
40 er made pursuant to this title shall be liable in the case of a first  
41 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~  
42 ~~hundred~~] fifty-six thousand two hundred fifty dollars and an additional  
43 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six  
44 thousand two hundred fifty dollars for each day during which such  
45 violation continues, to be assessed by the commissioner after an oppor-  
46 tunity to be heard pursuant to the provisions of section 71-1709 of this  
47 article, or by the court in any action or proceeding pursuant to section  
48 71-2727 of this title, and, in addition thereto, such person may by  
49 similar process be enjoined from continuing such violation and any  
50 permit or certificate issued to such person may be revoked or suspended  
51 or a pending renewal application denied. In the case of a second and any  
52 further violation, the liability shall be for a civil penalty not to  
53 exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars  
54 for each such violation and an additional penalty not to exceed [~~seven-~~  
55 ~~ty-five~~] one hundred twelve thousand five hundred dollars for each day  
56 during which such violation continues.

1 2. Criminal sanctions. Any person who, having any of the culpable  
2 mental states defined in section 15.05 of the penal law, shall violate  
3 any of the provisions of or who fails to perform any duty imposed by  
4 titles 9, 11 and 13 of article 27 or any rules and regulations promul-  
5 gated pursuant thereto, or any term or condition of any certificate or  
6 permit issued pursuant thereto, or any final determination or order of  
7 the commissioner made pursuant to this title shall be guilty of a misde-  
8 meanor and, upon conviction thereof, shall for a first conviction be  
9 punished by a fine not to exceed [~~thirty-seven thousand five hundred~~  
10 fifty-six thousand two hundred fifty dollars per day of violation or by  
11 imprisonment for a term of not more than one year, or both such fine and  
12 imprisonment. If the conviction is for an offense committed after a  
13 first conviction of such person under this subdivision, punishment shall  
14 be by a fine not to exceed [~~seventy-five~~ one hundred twelve thousand  
15 five hundred dollars per day of violation, or by imprisonment for not  
16 more than two years or by both such fine and imprisonment.

17 § 54. Subdivision 2 of section 71-2721 of the environmental conserva-  
18 tion law, as amended by section 32 of part C of chapter 62 of the laws  
19 of 2003, is amended to read as follows:

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

- 22 (a) [~~Three~~ Four hundred fifty thousand dollars for a class C felony;  
23 (b) [~~Two hundred twenty-five thousand~~ Three hundred thirty-seven  
24 thousand five hundred dollars for a class D felony;  
25 (c) [~~One hundred fifty thousand~~ Two hundred twenty-two thousand five  
26 hundred dollars for a class E felony;  
27 (d) [~~Thirty-seven thousand five hundred~~ Fifty-six thousand two  
28 hundred fifty dollars for a class A misdemeanor;  
29 (e) [~~Fifteen~~ Two hundred twenty-five thousand dollars for a class B  
30 misdemeanor; or  
31 (f) Double the amount of the defendant's gain from the commission of  
32 the crime.

33 § 55. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental  
34 conservation law, subdivision 1 as amended by section 33 and subdivision  
35 2 as amended by section 34 of part C of chapter 62 of the laws of 2003,  
36 and subdivision 5 as added by chapter 152 of the laws of 1990, are  
37 amended to read as follows:

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

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

50 5. All civil penalties and fines collected for any violation of such  
51 title seventeen shall be paid over to the commissioner for deposit in  
52 the [~~general fund~~ conservation fund to the credit of the conservation  
53 enforcement account established pursuant to subdivision (k) of section  
54 eighty-three of the state finance law; provided however, that all civil  
55 penalties collected for any violation of such title seventeen which have  
56 been imposed by the environmental control board of the city of New York,

1 or a local adjudicatory body pursuant to subdivision four of this  
2 section, shall be paid into an environmental fund of such city or local-  
3 ity.

4 § 56. Subdivisions 1 and 2 of section 71-2724 of the environmental  
5 conservation law, as amended by chapter 30 of the laws of 2020, are  
6 amended to read as follows:

7 1. Any person who knowingly or intentionally violates any provision of  
8 or fails to perform any duty pursuant to title twenty-one of article  
9 twenty-seven of this chapter, except subdivision one of section 27-2105  
10 of this chapter, shall upon the first finding of such a violation be  
11 liable for a civil penalty not to exceed one hundred fifty dollars. Any  
12 person convicted of a second or subsequent violation shall be liable for  
13 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars for  
14 each violation.

15 2. Any person who knowingly or intentionally violates or fails to  
16 perform any duty imposed by subdivision one of section 27-2105 of this  
17 chapter shall upon the first finding of such a violation be provided  
18 with educational materials describing the requirements for mercury  
19 disposal and the effects of improper mercury disposal, and be warned  
20 that future violations shall result in the imposition of a fine. Any  
21 person convicted of a second violation shall be liable for a civil  
22 penalty not to exceed [~~fifty~~] seventy-five dollars. Any person convicted  
23 of a third violation shall be liable for a civil penalty not to exceed  
24 [~~seventy-five~~] one hundred twelve dollars and fifty cents. Any person  
25 convicted of a fourth or subsequent violation shall be liable for a  
26 civil penalty not to exceed one hundred dollars for each violation.

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

30 1. Any person who knowingly or intentionally violates any provision of  
31 or fails to perform any duty imposed pursuant to title 27 of article 27  
32 of this chapter shall upon the first finding of such a violation be  
33 provided with a warning that future violations shall result in the impo-  
34 sition of a fine. Any person convicted of a second violation shall be  
35 liable for a civil penalty not to exceed one hundred fifty dollars. Any  
36 person convicted of a third or subsequent violation shall be liable for  
37 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars.

38 § 58. Section 71-2729 of the environmental conservation law, as added  
39 by chapter 99 of the laws of 2010, is amended to read as follows:

40 § 71-2729. Enforcement of title 26 of article 27 of this chapter.

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

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

54 c. Any manufacturer, or any person operating an electronic waste  
55 collection site, an electronic waste consolidation facility, or an elec-

1 tronic waste recycling facility as those terms are defined in title  
2 twenty-six of article twenty-seven of this chapter, who:

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

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

16 d. Any retailer, as defined by section 27-2601 of this chapter, who  
17 violates any provision of title twenty-six of article twenty-seven of  
18 this chapter or fails to perform any duty imposed by such title, shall  
19 be liable for a civil penalty for each violation not to exceed [~~two~~  
20 ~~hundred-fifty~~] three hundred seventy-five dollars for the first  
21 violation, [~~five~~] seven hundred fifty dollars for the second violation  
22 and one thousand five hundred dollars for the third and subsequent  
23 violations of this title in a twelve-month period.

24 e. Civil penalties under this section shall be assessed by the commis-  
25 sioner after a hearing or opportunity to be heard pursuant to the  
26 provisions of section 71-1709 of this article, or by the court in any  
27 action or proceeding pursuant to this section, and, in addition thereto,  
28 such person may by similar process be enjoined from continuing such  
29 violation.

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

33 § 59. Subdivisions 1 and 3 of section 71-2907 of the environmental  
34 conservation law, as amended by chapter 285 of the laws of 2000, are  
35 amended to read as follows:

36 1. Administrative sanctions. Except as otherwise provided in this  
37 subdivision, any person who violates any provision of article 33 of this  
38 chapter or any rule, regulation or order issued thereunder or commits  
39 any offense described in section 33-1301 of this chapter shall be liable  
40 to the people of the state for a civil penalty not to exceed [~~five~~]  
41 seven thousand five hundred dollars for a first violation, and not to  
42 exceed [~~ten~~] fifteen thousand dollars for a subsequent offense, to be  
43 assessed by the commissioner after a hearing or opportunity to be heard.  
44 Notwithstanding any provision of law to the contrary, an owner or  
45 owner's agent of a multiple dwelling or owner, owner's agent or a person  
46 in a position of authority for all other types of premises, as such  
47 terms are defined in paragraph d of subdivision five of section 33-0905  
48 of this chapter, who violates any provision of a local law adopted  
49 pursuant to subdivision one of section 33-1004 of this chapter relating  
50 to paragraph b of such subdivision, and a person, who violates any  
51 provision of a local law adopted pursuant to subdivision one of section  
52 33-1004 of this chapter relating to paragraph c of such subdivision, and  
53 a person who violates the provisions of subdivision three of section  
54 three hundred ninety-c of the social services law shall, for a first  
55 such violation, in lieu of a penalty, be issued a written warning and  
56 shall also be issued educational materials pursuant to subdivision two

1 of section 33-1005 of this chapter. Such person shall, however, for a  
2 second violation, be liable to the people of the state for a civil  
3 penalty not to exceed one hundred fifty dollars, and not to exceed [~~two~~  
4 ~~hundred—fifty~~] three hundred seventy-five dollars for any subsequent  
5 violation, such penalties to be assessed by the commissioner after a  
6 hearing or opportunity to be heard.

7 Notwithstanding any provision of law to the contrary, any person who  
8 violates the provisions of a local law adopted pursuant to subdivision  
9 one of section 33-1004 of this chapter relating to paragraph a of such  
10 subdivision, shall be issued a warning for the first violation and shall  
11 be provided seven days to correct such violation; and shall be liable to  
12 the people of the state for a civil penalty not to exceed one hundred  
13 fifty dollars for a second violation, and not to exceed [~~two hundred~~  
14 ~~fifty~~] three hundred seventy-five dollars for a subsequent violation, to  
15 be assessed by the commissioner after a hearing or opportunity to be  
16 heard. The commissioner, acting by the attorney general, may bring suit  
17 for collection of such assessed civil penalty in any court of competent  
18 jurisdiction. Such civil penalty may be released or compromised by the  
19 commissioner before the matter has been referred to the attorney gener-  
20 al; and where such matter has been referred to the attorney general, any  
21 such penalty may be released or compromised and any action commenced to  
22 recover the same may be settled and discontinued by the attorney general  
23 with the consent of the commissioner. Any civil penalty assessed by the  
24 commissioner under this subdivision shall be reviewable in a proceeding  
25 under article 78 of the civil practice law and rules.

26 3. Criminal sanctions. Any person who, having the culpable mental  
27 states defined in subdivision one or two of section 15.05 or in section  
28 20.20 of the penal law, violates any provision of article 33 of this  
29 chapter or any rule, regulation thereunder or commits any offense  
30 described in section 33-1301 of this chapter, except an offense relating  
31 to the application of a general use pesticide shall be guilty of a  
32 misdemeanor and, upon conviction thereof, shall be punished by a fine  
33 not to exceed [~~five~~] seven thousand five hundred dollars for each day  
34 during which such violation continues or by imprisonment for a term of  
35 not more than one year, or by both such fine and imprisonment. If the  
36 conviction is for a subsequent offense committed after a first  
37 conviction of such person under this subdivision, punishment shall be by  
38 a fine not to exceed [~~ten~~] fifteen thousand dollars for each day during  
39 which such violation continues or by imprisonment for a term of not more  
40 than one year, or by both such fine and imprisonment. When a violation  
41 consists of the manufacture or production of any prohibited article,  
42 each day during which or any part of which such manufacture or  
43 production is carried on or continued, shall be deemed a separate  
44 violation. Any person who violates any provision of article 33 of this  
45 chapter or any rule or regulation thereunder or commits any offense  
46 described in section 33-1301 of this chapter relating to the use of a  
47 general use pesticide shall be guilty of a violation and, upon  
48 conviction thereof, shall be punished by a fine not to exceed [~~twenty-~~  
49 ~~five hundred~~] three thousand seven hundred fifty dollars. If the  
50 conviction is for a subsequent offense committed after the first such  
51 conviction of such person under this subdivision, punishment shall be by  
52 a fine not to exceed [~~five~~] seven thousand five hundred dollars. Prose-  
53 cution hereunder may be conducted by either the attorney general or the  
54 district attorney consistent with section 71-0403 of this article. With  
55 respect to violations of section 33-1004 of this chapter, penalties

1 imposed pursuant to this subdivision may be assessed only against a  
2 person providing a commercial lawn application.

3 § 60. Section 71-3103 of the environmental conservation law is amended  
4 to read as follows:

5 § 71-3103. Enforcement of article 35.

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

16 § 61. Subdivision 1 of section 71-3303 of the environmental conserva-  
17 tion law, as added by chapter 617 of the laws of 1987, is amended to  
18 read as follows:

19 1. Any person who violates any provision of, or fails to perform any  
20 duty imposed by article forty-three of this chapter or any rule or regu-  
21 lation promulgated pursuant thereto, or any term or condition of any  
22 certificate or permit issued pursuant thereto, or any final determi-  
23 nation or order of the Lake George park commission made pursuant to  
24 article forty-three of this chapter shall be liable for a civil penalty  
25 not to exceed [~~five~~] seven hundred fifty dollars for each such violation  
26 and an additional penalty of [~~five~~] seven hundred fifty dollars for each  
27 day during which such violation continues, to be assessed by the Lake  
28 George park commission after an opportunity to be heard, or by the court  
29 in any action or proceeding initiated by the attorney general in the  
30 name of the Lake George park commission. In addition thereto, such  
31 person may, by similar process, be enjoined from continuing such  
32 violation, and any permit or certificate issued to such person may be  
33 revoked or suspended, or a pending renewal application denied based upon  
34 such violation.

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

37 § 71-3307. Criminal sanctions.

38 Any person who, having any of the culpable mental states defined in  
39 section 15.05 of the penal law, shall violate any of the provisions of  
40 or who fails to perform any duty imposed by article forty-three of this  
41 chapter or any rules or regulations promulgated thereto, or any final  
42 determination or order of the Lake George park commission shall be guil-  
43 ty of a violation, and, upon conviction thereof, shall be punished by a  
44 fine not to exceed [~~five~~] seven hundred fifty dollars for each violation  
45 and [~~five~~] seven hundred fifty dollars for each day such violation shall  
46 continue.

47 § 63. Section 71-3501 of the environmental conservation law is amended  
48 to read as follows:

49 § 71-3501. Putting noisome or unwholesome substances or maintaining  
50 noisome business on or near highway.

51 A person, who deposits, leaves or keeps, on or near a highway or route  
52 of public travel, either on the land or on the water, any noisome or  
53 unwholesome substance, or establishes, maintains or carries on, upon or  
54 near a public highway or route of public travel, either on the land or  
55 on the water, any business, trade or manufacture which is noisome or  
56 detrimental to public health, is guilty of a misdemeanor, punishable by

1 a fine of not less than one hundred fifty dollars, or by imprisonment  
2 not less than three nor more than six months, or both.

3 § 64. Section 71-3703 of the environmental conservation law, as  
4 amended by chapter 259 of the laws of 2011, subdivision 4 as amended by  
5 chapter 44 of the laws of 2020, subdivision 5 as added by chapter 829 of  
6 the laws of 2021, subdivision 6 as added by chapter 111 of the laws of  
7 2023, and subdivision 7 as added by chapter 107 of the laws of 2024, is  
8 amended to read as follows:

9 § 71-3703. Enforcement of article 37.

10 1. Any person who violates any of the provisions of, or who fails to  
11 perform any duty imposed by section 37-0107 or any rule or regulation  
12 promulgated pursuant hereto, shall be liable for a civil penalty not to  
13 exceed [~~two thousand five hundred~~] three thousand seven hundred fifty  
14 dollars for each such violation and an additional penalty of not more  
15 than [~~five~~] seven hundred fifty dollars for each day during which such  
16 violation continues, and, in addition thereto, such person may be  
17 enjoined from continuing such violation.

18 2. Any person who violates any of the provisions of, or who fails to  
19 perform any duty imposed by section 37-0505 or any rule or regulation  
20 promulgated pursuant hereto, shall be liable for a civil penalty not to  
21 exceed one thousand five hundred dollars for each day during which such  
22 violation continues, and in addition thereto, such person may be  
23 enjoined from continuing such violation. Such person shall for a second  
24 violation be liable to the people of the state for a civil penalty not  
25 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty  
26 dollars for each day during which such violation continues.

27 3. Any person who violates any of the provisions of, or who fails to  
28 perform any duty imposed by section 37-0705 or any rule or regulation  
29 promulgated pursuant hereto, shall be liable for a civil penalty not to  
30 exceed one thousand five hundred dollars for each day during which such  
31 violation continues, and in addition thereto, such person may be  
32 enjoined from continuing such violation. Such person shall for a second  
33 violation be liable to the people of the state for a civil penalty not  
34 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty  
35 dollars for each day during which such violation continues.

36 4. Any person who violates any of the provisions of, or who fails to  
37 perform any duty imposed by section 37-0117 or any rule or regulation  
38 promulgated pursuant hereto, shall be liable for a civil penalty not to  
39 exceed one thousand five hundred dollars for each day during which such  
40 violation continues, and in addition thereto, such person may be  
41 enjoined from continuing such violation. Such person shall for a second  
42 violation be liable to the people of the state for a civil penalty not  
43 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty  
44 dollars for each day during which such violation continues.

45 5. Any person who violates any of the provisions of or who fails to  
46 perform any duty imposed by sections 37-1003 and 37-1007 of this chapter  
47 or any rule or regulation promulgated pursuant hereto, shall be liable  
48 for a civil penalty not to exceed one thousand five hundred dollars for  
49 each day during which such violation continues, and in addition thereto,  
50 such person may be enjoined from continuing such violation. Such person  
51 shall for a second violation be liable to the people of the state for a  
52 civil penalty not to exceed [~~two thousand five hundred~~] three thousand  
53 seven hundred fifty dollars for each day during which such violation  
54 continues.

55 6. Any person who violates any of the provisions of, or who fails to  
56 perform any duty imposed by section 37-0121 of this chapter or any rule

1 or regulation promulgated pursuant hereto, shall be liable for a civil  
2 penalty not to exceed one thousand five hundred dollars for each day  
3 during which such violation continues, and in addition thereto, such  
4 person may be enjoined from continuing such violation. Such person shall  
5 for a second violation be liable to the people of the state for a civil  
6 penalty not to exceed [~~two thousand five hundred~~] three thousand seven  
7 hundred fifty dollars for each day during which such violation contin-  
8 ues.

9 7. Any person who violates any of the provisions of, or who fails to  
10 perform any duty imposed by section 37-1101 of this chapter or any rule  
11 or regulation promulgated pursuant hereto, shall be liable for a civil  
12 penalty not to exceed one thousand five hundred dollars for each day  
13 during which such violation continues, and in addition thereto, such  
14 person may be enjoined from continuing such violation. Such person shall  
15 for a second violation be liable to the people of the state for a civil  
16 penalty not to exceed [~~two thousand five hundred~~] three thousand seven  
17 hundred fifty dollars for each day during which such violation contin-  
18 ues.

19 § 65. Subdivision 1 of section 71-3705 of the environmental conserva-  
20 tion law, as amended by chapter 43 of the laws of 2020, is amended to  
21 read as follows:

22 1. Any person who violates any provision of or fails to perform any  
23 duty imposed by section 37-0115 of this chapter shall upon the first  
24 finding of such a violation be liable for a civil penalty not to exceed  
25 [~~five hundred~~] seven hundred fifty dollars for each violation. Any  
26 person convicted of a second or subsequent violation shall be liable for  
27 a civil penalty not to exceed [~~twenty five hundred~~] three thousand seven  
28 hundred fifty dollars for each violation.

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

31 § 71-3803. Enforcement of article thirty-eight.

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

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

44 § 71-3903. Violations; penalties.

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

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

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

27 § 68. Section 71-3905 of the environmental conservation law, as added  
28 by chapter 732 of the laws of 1980, is amended to read as follows:

29 § 71-3905. Enforcement.

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

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

43 § 71-4001. General criminal penalty.

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

53 § 70. Section 71-4003 of the environmental conservation law, as  
54 amended by chapter 99 of the laws of 2010, is amended to read as  
55 follows:

56 § 71-4003. General civil penalty.

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

10 § 71. Section 71-4103 of the environmental conservation law, as  
11 amended by chapter 608 of the laws of 1993, is amended to read as  
12 follows:

13 § 71-4103. Enforcement of article seventy-two.

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

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

24 § 71-4303. Violations of article forty of this chapter.

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

47 2. Criminal sanctions. Any person who, having any of the culpable  
48 mental states defined in section 15.05 of the penal law, shall violate  
49 any of the provisions of or who fails to perform any duty imposed by  
50 article forty of this chapter or any rules or regulations promulgated  
51 pursuant thereto, or any term or condition of any certificate or permit  
52 issued pursuant thereto, or any final determination or order of the  
53 commissioner made pursuant to this title shall be guilty of a misdemea-  
54 nor and, upon conviction thereof, shall for a first conviction be  
55 punished by a fine not to exceed [~~twenty-five~~] thirty-seven thousand  
56 five hundred dollars per day of violation or by imprisonment for a term

1 of not more than one year, or by both such fine and imprisonment. If the  
2 conviction is for an offense committed after a first conviction of such  
3 person under this subdivision, punishment shall be by a fine not to  
4 exceed [ ~~fifty~~] seventy-five thousand dollars per day of violation, or by  
5 imprisonment for not more than two years or by both such fine and impri-  
6 sonment.

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

9 § 71-4402. Violations of title 15 of article 27 of this chapter.

10 1. Civil and administrative sanctions.

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

31 2. Criminal sanctions.

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

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

1 imprisonment for not more than one year or by both such fine and impri-  
2 sonment.

3 § 74. Subdivision 2 of section 71-4411 of the environmental conserva-  
4 tion law, as added by chapter 180 of the laws of 1989, is amended to  
5 read as follows:

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

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

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

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

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

14 (e) double the amount of the defendant's gain from the commission of  
15 the crime.

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

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

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

34 § 76. Subdivisions 2 and 3 of section 57-0136 of the environmental  
35 conservation law, as amended by chapter 289 of the laws of 2006, are  
36 amended to read as follows:

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

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

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

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

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

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

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

35 § 33-0925. Sanctions.

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

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

53 1. Any person who violates the provisions of section 27-1805 of this  
54 title shall be liable for a civil penalty in the amount of [~~fifty~~]  
55 seventy-five dollars for the first violation, one hundred fifty dollars  
56 for a second violation committed within twelve months of a prior

1 violation and [~~two~~] three hundred dollars for a third or subsequent  
2 violation committed within twelve months of any prior violation.

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

10 3. Any battery manufacturer, as that term is defined in section  
11 27-1803 of this title, who violates the provisions of section 27-1807 of  
12 this title shall be liable for a civil penalty in the amount of [~~two~~]  
13 three thousand dollars for the first violation, [~~four~~] six thousand  
14 dollars for a second violation committed within twelve months of a prior  
15 violation, and [~~five thousand~~] seven thousand five hundred dollars for a  
16 third or subsequent violation committed within twelve months of any  
17 prior violation.

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

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

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

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

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

49 3. It shall be unlawful for a distributor or deposit initiator, acting  
50 alone or aided by another, to return any empty beverage container to a  
51 dealer or redemption center for its refund value if the distributor or  
52 deposit initiator had previously accepted such beverage container from  
53 any dealer or operator of a redemption center or if such container was  
54 previously accepted by a reverse vending machine. A violation of this  
55 subdivision shall be a misdemeanor punishable by a fine of not less than  
56 [~~five hundred~~] seven hundred fifty dollars nor more than one thousand

1 five hundred dollars and an amount equal to two times the amount of  
2 money received as a result of such violation.

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

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

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

31 § 83. Subdivision 1 of section 27-3205 of the environmental conserva-  
32 tion law, as added by chapter 734 of the laws of 2021, is amended to  
33 read as follows:

34 1. A hotel that violates a provision of this title shall receive a  
35 warning notice for the first such violation, detailing the hotel's  
36 requirement to correct the violation within thirty days from the date  
37 the notice is sent. A hotel shall be liable to the state for a civil  
38 penalty of [~~two hundred fifty~~] three hundred seventy-five dollars for  
39 the first violation after receiving a warning and failing to correct the  
40 violation within thirty days and [~~five hundred~~] seven hundred fifty  
41 dollars for any subsequent violation in the same calendar year. A hear-  
42 ing or opportunity to be heard shall be provided prior to the assessment  
43 of any civil penalty.

44 § 84. Section 27-3317 of the environmental conservation law, as  
45 amended by chapter 82 of the laws of 2023, is amended to read as  
46 follows:

47 § 27-3317. Penalties.

48 Any producer, representative organization, or retailer who violates  
49 any provision of or fails to perform any duty imposed pursuant to this  
50 title shall be liable for a civil penalty not to exceed [~~five hundred~~]  
51 seven hundred fifty dollars for each violation and an additional penalty  
52 of not more than [~~five hundred~~] seven hundred fifty dollars for each day  
53 during which such violation continues. Civil penalties shall be  
54 assessed by the department after a hearing or opportunity to be heard  
55 pursuant to the provisions of section 71-1709 of this chapter.

1 § 85. Subdivision 6 of section 27-3309 of the environmental conserva-  
2 tion law, as added by chapter 795 of the laws of 2022, is amended to  
3 read as follows:

4 6. Starting four years after the plan is approved by the department  
5 pursuant to this section, the department shall impose a penalty of  
6 [~~twenty-five~~] thirty-eight cents per pound to be assessed on the produc-  
7 er or representative organization for the number of additional pounds of  
8 carpet that would have needed to be recycled through the program to  
9 achieve the performance goals specified in the approved stewardship  
10 plan. All penalties collected pursuant to this section shall be paid  
11 over to the commissioner for deposit to the environmental protection  
12 fund established pursuant to section ninety-two-s of the state finance  
13 law.

14 § 86. Subdivision 4 of section 23-1715 of the environmental conserva-  
15 tion law, as amended by chapter 233 of the laws of 1979, is amended to  
16 read as follows:

17 4. In the event of the failure of the holder of an environmental safe-  
18 ty permit issued under section 23-1707 of this title, of route certif-  
19 ication under section 23-1713 of this title, or of a non-conforming  
20 facility under section 23-1719 of this title to comply with the terms  
21 thereof or the provisions of the rules and regulations adopted under  
22 article 70 of this chapter, the department may revoke said permit or  
23 certificate pursuant to the provisions of article 70 of this chapter and  
24 impose upon the holder of such permit or certificate a civil penalty of  
25 up to one thousand five hundred dollars for each day the holder thereof  
26 has failed to comply with this title or a permit or certificate issued  
27 hereunder, together with the allocated costs of the revocation and  
28 enforcement proceeding itself.

29 § 87. Subdivisions 4 and 5 of section 19-0320 of the environmental  
30 conservation law, as added by chapter 621 of the laws of 1998, the open-  
31 ing paragraph of subdivision 4 as amended by section 1 and the opening  
32 paragraph of subdivision 5 as amended by section 2 of part W1 of chapter  
33 62 of the laws of 2003, are amended to read as follows:

34 4. Notwithstanding the provisions of title twenty-one of article  
35 seventy-one of this chapter, operation of a heavy duty vehicle which,  
36 when tested, exceeds emission levels set forth in regulations promulgat-  
37 ed pursuant to this section shall be a violation, and the following  
38 penalties shall apply to any violation found as a result of roadside  
39 emissions inspections:

40 a. First violation: [~~\$ 700.00~~] \$1050.00  
41 Second and subsequent violations: [~~\$1300.00~~] \$1950.00.

42 b. The penalties set forth in paragraph a of this subdivision shall be  
43 reduced to [~~one hundred fifty~~] two hundred twenty-five dollars for the  
44 first violation and [~~five hundred~~] seven hundred fifty dollars for the  
45 second and subsequent violations by the court or administrative tribunal  
46 before which the summons or appearance ticket is returnable if the  
47 violation set forth in the summons or appearance ticket is corrected not  
48 later than thirty days after the issuance of the summons or appearance  
49 ticket and proof of such correction, as defined in paragraph c of this  
50 subdivision, is submitted to the court or administrative tribunal. The  
51 penalties described in this section shall not apply to vehicles defined  
52 by section one hundred forty-two of the vehicle and traffic law or owned  
53 by a county, town, city, or village for a first violation provided the  
54 vehicle is repaired within thirty days of ticket issuance.

55 c. Acceptable proof of repair or adjustment shall be submitted to the  
56 court or administrative tribunal on or before the return date of the

1 summons or appearance ticket in a form and manner prescribed by regu-  
2 lations adopted pursuant to this section.

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

9 a. First violation: [~~\$ 700.00~~] \$1050.00

10 Second and subsequent violations: [~~\$1300.00~~] \$1950.00.

11 b. The penalties defined in paragraph a of this subdivision shall be  
12 reduced to [~~three hundred fifty~~] five hundred twenty-five dollars for  
13 the first violation and [~~seven hundred fifty~~] one thousand one hundred  
14 twenty-five dollars for second and subsequent violations, provided that  
15 the vehicle in question bears a certificate which was valid within the  
16 last thirty days. The penalties described in this section shall not  
17 apply to vehicles defined by section one hundred forty-two or owned by a  
18 county, town, city, or village of the vehicle and traffic law for a  
19 first violation provided the vehicle is repaired within thirty days of  
20 ticket issuance.

21 § 88. Subdivision 6 of section 17-1745 of the environmental conserva-  
22 tion law, as added by chapter 199 of the laws of 1999, is amended to  
23 read as follows:

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

27 § 89. Section 15-2723 of the environmental conservation law, as  
28 amended by chapter 613 of the laws of 1975, is amended to read as  
29 follows:

30 § 15-2723. Penalties and enforcement.

31 Any person who violates any provision of this title or any regulation  
32 or order issued pursuant to this act by the commissioner or the agency  
33 may be compelled to comply with or obey the same by injunction, mandamus  
34 or other appropriate remedy. In addition, any such person shall pay a  
35 civil penalty of not less than one hundred fifty dollars or more than  
36 one thousand five hundred dollars for each day of such violation. The  
37 commissioner or the agency as the case may be, is authorized to commence  
38 a civil action to recover such civil penalties or other appropriate  
39 relief.

40 § 90. Subdivision 2 of section 11-1209 of the environmental conserva-  
41 tion law, as added by chapter 726 of the laws of 1977, is amended to  
42 read as follows:

43 2. Whoever shall hunt while in an intoxicated condition or while [~~his~~]  
44 their ability to hunt is impaired by the use of a drug shall be guilty  
45 of a misdemeanor, punishable by imprisonment in a penitentiary or county  
46 jail for not more than one year, or by a fine of not more than [~~five~~  
47 hundred] seven hundred fifty dollars, or by both such fine and imprison-  
48 ment.

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

52 3. Any person who violates the provisions of this section shall be  
53 subject to a penalty of not more than [~~five hundred~~] seven hundred fifty  
54 dollars for the first offense and not more than one thousand five  
55 hundred dollars for a second and subsequent offenses. Each instance of

1 allowing direct contact of a big cat with the public in violation of  
2 this section shall constitute a separate offense.

3 § 92. Subdivision 9 of section 11-0512 of the environmental conserva-  
4 tion law, as amended by chapter 326 of the laws of 2012, is amended to  
5 read as follows:

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

18 § 93. Subdivision 3 of section 9-1503 of the environmental conserva-  
19 tion law, as amended by chapter 222 of the laws of 1976, is amended to  
20 read as follows:

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

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