

STATE OF NEW YORK

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IN SENATE

January 31, 2025

Introduced by Sens. HARCKHAM, STAVISKY -- 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 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

LBD00125-11-6

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

3 2. Unless otherwise provided in this chapter, not later than the tenth
4 day of each month, all fines, penalties and forfeitures collected for
5 violations of this chapter or rules, regulations, local laws or ordi-
6 nances adopted thereunder under judgment of any town or village court,
7 shall be paid over by such court to the comptroller of the state, with a
8 statement accompanying the same, setting forth the action or proceeding
9 in which such moneys were collected, the name and residence of the
10 defendant, the nature of the offense, and the fines and penalty imposed.
11 The comptroller shall pay these funds into the [~~general fund of the~~
12 ~~state~~] conservation fund to the credit of the conservation enforcement
13 account established pursuant to subdivision (k) of section eighty-three
14 of the state finance law.

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

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

37 § 3. Subdivision 1 of section 71-0213 of the environmental conserva-
38 tion law, as added by section 1 of part DDD of chapter 59 of the laws of
39 2009, is amended to read as follows:

40 1. Whenever proceedings result in a conviction for an offense under
41 this chapter there shall be levied, in addition to any sentence required
42 or permitted by law, the following mandatory surcharges: (a) in the
43 amount of twenty-five dollars for violations of sportfishing regulations
44 set forth in 6 NYCRR 10; (b) in the amount of [~~seventy-five dollars~~] one
45 hundred twelve dollars and fifty cents for all other offenses under this
46 chapter provided, however, that convictions for offenses under articles
47 seventeen, nineteen or twenty-seven of this chapter shall be subject to
48 a mandatory surcharge equal to the greater of [~~seventy-five dollars~~] one
49 hundred twelve dollars and fifty cents or [~~six~~] nine percent of any
50 penalty or fine imposed. The mandatory surcharge shall be paid to the
51 clerk of the court who shall remit such mandatory surcharge to the state
52 comptroller provided, however, that in cases where the conviction was
53 rendered by a town or a village justice court, the clerk of such court
54 shall pay twenty-five dollars of such surcharge to the chief fiscal
55 officer of the town or village in the case of surcharges resulting from
56 paragraph (b) of this subdivision and ten dollars in the case of

1 surcharges resulting from paragraph (a) of this subdivision and shall
2 pay the remaining amounts of such mandatory surcharges to the state
3 comptroller in the same manner as provided in section 71-0211 of this
4 article. The comptroller shall pay such monies into the state treasury
5 to the [~~credit of the general fund~~] conservation fund to the credit of
6 the conservation enforcement account established pursuant to subdivision
7 (k) of section eighty-three of the state finance law.

8 § 4. Section 71-0301 of the environmental conservation law, as amended
9 by chapter 400 of the laws of 1973, is amended to read as follows:
10 § 71-0301. Summary abatement.

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

42 § 5. Subdivisions 3 and 4 of section 71-0507 of the environmental
43 conservation law, subdivision 3 as amended by chapter 400 of the laws of
44 1973, are amended to read as follows:

45 3. Moneys received by a town justice or a village justice in any
46 action for a penalty brought under the provisions of this chapter listed
47 in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon
48 the settlement or compromise thereof, or a fine for a violation of the
49 provisions of this chapter listed in section 71-0501 and titles 5
50 through 15 inclusive and title 33 of this article shall be paid to the
51 State Comptroller as provided in section 27 of the Town Law and section
52 4-410 of the village law. From the moneys so received, the State Comp-
53 troller shall pay all lawful fees for services rendered in such actions
54 when instituted by order of the department or upon information of a
55 conservation officer, regional and assistant regional conservation offi-
56 cer, special game protector, district ranger, forest ranger, or member

1 of the state police. The balance of such moneys arising from penalties
2 under [~~articles~~] article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter
3 or upon the settlement or compromise thereof or from fines for
4 violations of any of the provisions of [~~articles~~] article 11 or 13 [~~or~~
5 ~~title 9~~] of this [~~article~~] chapter after the payment of lawful fees
6 shall be credited by the Comptroller to the conservation fund. The Comp-
7 troller shall adjust and settle [~~his~~] their account with the conserva-
8 tion fund in the manner provided by section 99-a of the State Finance
9 Law. The balance of all other such moneys after payment of lawful fees
10 shall be credited by the Comptroller to the [~~general fund~~] conservation
11 fund to the credit of the conservation enforcement account established
12 pursuant to subdivision (k) of section eighty-three of the state finance
13 law.

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

35 § 6. Section 71-0707 of the environmental conservation law is amended
36 to read as follows:

37 § 71-0707. Resisting or obstructing departmental agent or employee.

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

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

47 § 71-0709. Injury to state lands.

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

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

56 § 71-0711. Injury to municipal or private lands.

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

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

9 § 71-1107. Punishment for violations of title 5 of article 15.

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

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

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

30 § 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

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

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

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

46 § 71-1111. Enforcement of subdivision 3 of section 15-0511.

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

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

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

7 § 13. Section 71-1115 of the environmental conservation law, as
8 amended by chapter 640 of the laws of 1977, is amended to read as
9 follows:

10 § 71-1115. Enforcement of section 15-1525.

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

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

19 1. Any person or public corporation violating subdivision 1 of section
20 15-1745, shall be guilty of a violation punishable by a fine of not more
21 than [~~five thousand~~] seven thousand five hundred dollars.

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

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

31 § 71-1121. Enforcement of subdivision 2 of section 15-1947.

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

36 § 16. Section 71-1123 of the environmental conservation law, as
37 amended by chapter 640 of the laws of 1977, is amended to read as
38 follows:

39 § 71-1123. Enforcement of section 15-2133.

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

45 2. Any person violating the provisions of subdivision 3 of section
46 15-2133 shall be guilty of a violation punishable by a fine of not more
47 than one thousand five hundred dollars, and in addition thereto, shall
48 be liable for a civil penalty of not more than [~~fifteen hundred~~] two
49 thousand two hundred fifty dollars.

50 § 17. Section 71-1125 of the environmental conservation law, as
51 amended by chapter 640 of the laws of 1977, is amended to read as
52 follows:

53 § 71-1125. Enforcement of section 15-2315.

54 Any person who violates the provisions of the first sentence of
55 section 15-2315 shall be guilty of a violation punishable by a fine of
56 not more than one thousand five hundred dollars, and in addition there-

1 to, shall be liable for a civil penalty of not more than [~~fifteen~~
2 ~~hundred~~] two thousand two hundred fifty dollars.

3 § 18. Subdivision 1 of section 71-1127 of the environmental conserva-
4 tion law, as amended by chapter 401 of the laws of 2011, is amended to
5 read as follows:

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

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

22 § 71-1131. Violations; criminal liability.

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

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

30 § 71-1203. Penalties.

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

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

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

45 § 22. Section 71-1711 of the environmental conservation law is amended
46 to read as follows:

47 § 71-1711. Willful violation of health laws.

48 1. A person who willfully violates or refuses or omits to comply with
49 any lawful order or regulation prescribed by any local board of health
50 or local health officer, is guilty of a misdemeanor; except, however,
51 that where such order or regulation applies to a tenant with respect to
52 [~~his~~] such tenant's own dwelling unit or to an owner occupied one or two
53 family dwelling, such person is guilty of an offense for the first
54 violation punishable by a fine not to exceed [~~fifty~~] seventy-five
55 dollars and for a second or subsequent violation is guilty of a misde-
56 meanor punishable by a fine not to exceed [~~five~~] seven hundred fifty

1 dollars or by imprisonment not to exceed six months or by both such fine
2 and imprisonment.

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

10 § 23. Section 71-1725 of the environmental conservation law, as
11 amended by chapter 400 of the laws of 1973, is amended to read as
12 follows:

13 § 71-1725. Assessment of Penalties.

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

20 § 24. Section 71-1905 of the environmental conservation law is amended
21 to read as follows:

22 § 71-1905. Enforcement of section 17-1705.

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

26 § 25. Subdivision 1 of section 71-1907 of the environmental conserva-
27 tion law is amended to read as follows:

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

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

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

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

45 § 71-1911. Enforcement of section 17-1711.

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

49 § 28. Subdivision 2 of section 71-1913 of the environmental conserva-
50 tion law is amended to read as follows:

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

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

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

5 § 30. Subdivision 1 of section 71-1921 of the environmental conserva-
6 tion law is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

6 b. All fines and penalties collected pursuant to this subdivision
7 shall be paid to the district or county, provided, however, that one-
8 quarter of such fines and penalties received shall be paid to the
9 [~~general fund to the credit of the state purposes account~~] conservation
10 fund to the credit of the conservation enforcement account established
11 pursuant to subdivision (k) of section eighty-three of the state finance
12 law.

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

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

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

43 § 71-1943. Enforcement of section 17-1743.

44 Any person who fails to so notify the department of such release,
45 discharge or spill into the waters of the state as described in section
46 17-1743 of this chapter shall, upon conviction, be fined not more than
47 [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-
48 five dollars or imprisoned for not more than one year, or both.

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

51 § 71-2111. Enforcement of air pollution emergency rules and regulations.

52 Any person who violates any of the provisions of any regulation
53 promulgated by the commissioner under authority of paragraph y of subdi-
54 vision one of section 3-0301 shall be liable for a civil penalty of not
55 more than [~~twenty-five~~] three thousand seven hundred fifty dollars for
56 each such violation and an additional penalty of not more than [~~five~~]

1 seven hundred fifty dollars for each day during which such violation
2 continues, and, in addition thereto, such persons may be enjoined from
3 continuing such violation. Penalties and injunctive relief provided
4 herein shall be recoverable in an action brought by the attorney general
5 at the request and in the name of the commissioner.

6 § 37. Section 71-2113 of the environmental conservation law, as added
7 by chapter 942 of the laws of 1984, subdivision 1 as amended by section
8 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of
9 the laws of 2003, is amended to read as follows:

10 § 71-2113. Violations of section 19-0304 of article 19 of this chapter.

11 1. Civil and administrative sanctions. Any person who violates any of
12 the provisions of, or who fails to perform any duty imposed by section
13 19-0304 of this chapter, or any rule or regulation promulgated pursuant
14 thereto, or any term or condition of any certificate or permit issued
15 pursuant thereto, or any final determination or order of the commission-
16 er made pursuant to article 19 of this chapter concerning a violation of
17 section 19-0304 of this chapter shall be liable in the case of a first
18 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
19 ~~hundred~~] fifty-six thousand two hundred fifty dollars and an additional
20 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
21 thousand two hundred fifty dollars for each day during which such
22 violation continues, to be assessed by the commissioner after an oppor-
23 tunity to be heard pursuant to the provisions of section 71-1709 of this
24 article, or by the court in any action or proceeding pursuant to section
25 71-2107 of this title, and, in addition thereto, such person may by
26 similar process be enjoined from continuing such violation and any
27 permit or certificate issued to such person may be revoked or suspended
28 or a pending renewal application denied. In the case of a second and any
29 further violation, the liability shall be for a civil penalty not to
30 exceed [~~seventy-five~~] one hundred twelve thousand five hundred
31 dollars for each such violation and an additional penalty not to exceed seven-
32 ty-five thousand dollars for each day during which such violation
33 continues.

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

51 § 38. Section 71-2201 of the environmental conservation law, as added
52 by chapter 740 of the laws of 1978, the opening paragraph and subdivi-
53 sion 1 as amended and subdivision 3 as added by chapter 901 of the laws
54 of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is
55 amended to read as follows:

56 § 71-2201. Enforcement of title 23 of article 23 of this chapter.

1 Administrative and civil sanctions. 1. Any person who violates any of
2 the provisions of, or who fails to perform any duty imposed by title 23
3 of article 23 except the duty to accept used oil pursuant to section
4 23-2307 or any person subject to section 23-2308 or any rule or regu-
5 lation promulgated pursuant thereto, or any term or condition of any
6 certificate or permit issued pursuant thereto, or any final determi-
7 nation or order of the commissioner made pursuant to this section shall
8 be liable for a civil penalty not to exceed one thousand five hundred
9 dollars for each such violation and an additional penalty of not more
10 than [~~five~~] seven hundred fifty dollars for each day during which such
11 violation continues, to be assessed by the commissioner after a hearing
12 or opportunity to be heard pursuant to the provisions of section 71-1709
13 of this chapter, and, in addition thereto, such person may by similar
14 process be enjoined from continuing such violation and any permit or
15 certificate issued to such person may be revoked or suspended or a pend-
16 ing renewal application denied.

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

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

23 4. Notwithstanding any other provision of law, any person who shall
24 violate the provisions of paragraph [~~(e)~~] c of subdivision one of
25 section 23-2307 or paragraph [~~(d)~~] d of subdivision two of section
26 23-2307 of this chapter shall be liable for a civil penalty of not more
27 than [~~five~~] seven hundred fifty dollars, and an additional civil penalty
28 of not more than [~~five~~] seven hundred fifty dollars for each day during
29 which such violation continues, not to exceed [~~ten~~] fifteen thousand
30 dollars.

31 § 39. Paragraph a of subdivision 1 and subdivision 2 of section
32 71-2503 of the environmental conservation law, as amended by chapter 666
33 of the laws of 1989, are amended to read as follows:

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

49 2. Criminal sanctions. Any person who violates any provision of arti-
50 cle twenty-five shall, in addition, for the first offense, be guilty of
51 a violation punishable by a fine of not less than [~~five~~] seven hundred
52 fifty nor more than [~~five~~] seven thousand five hundred dollars; for a
53 second and each subsequent offense such person shall be guilty of a
54 misdemeanor punishable by a fine of not less than one thousand five
55 hundred nor more than [~~ten~~] fifteen thousand dollars or a term of impri-
56 sonment of not less than fifteen days nor more than six months or both.

1 In addition to or instead of these punishments, any offender shall be
2 punishable by being ordered by the court to restore the affected tidal
3 wetland or area immediately adjacent thereto to its condition prior to
4 the offense, insofar as that is possible. The court shall specify a
5 reasonable time for the completion of the restoration, which shall be
6 effected under the supervision of the commissioner. Each offense shall
7 be a separate and distinct offense and, in the case of a continuing
8 offense, each day's continuance thereof shall be deemed a separate and
9 distinct offense.

10 § 40. Section 71-2505 of the environmental conservation law, as
11 amended by chapter 249 of the laws of 1997, is amended to read as
12 follows:

13 § 71-2505. Enforcement.

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

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

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

53 b. i. Any person who violates any of the provisions of, or who fails
54 to perform any duty imposed by, title 3 or 7 of article 27 of this chap-
55 ter, or any rule or regulation promulgated pursuant thereto, or any term
56 or condition of any certificate or permit issued pursuant thereto and

1 thereby causes the release of solid waste into the environment, shall be
2 liable for a civil penalty not to exceed [~~eleven thousand two hundred~~
3 ~~fifty~~] sixteen thousand eight hundred seventy-five dollars for each such
4 violation and an additional penalty of not more than [~~eleven thousand~~
5 ~~two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars
6 for each day during which such violation continues, to be assessed by
7 the commissioner after an opportunity to be heard pursuant to the
8 provisions of section 71-1709 of this article, or by the court in any
9 action or proceeding pursuant to section 71-2727 of this title, and, in
10 addition thereto, such person may by similar process be enjoined from
11 continuing such violation and any permit or certificate issued to such
12 person may be revoked or suspended or a pending renewal application
13 denied.

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

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

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

44 b. i. 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 shall be guilty of a class B
47 misdemeanor and, upon conviction thereof, shall be punished by a fine of
48 not less than [~~three thousand seven hundred fifty~~] five thousand six
49 hundred twenty-five dollars per day nor more than [~~twenty-two thousand~~
50 ~~five hundred~~] thirty-three thousand seven hundred fifty dollars per day
51 of violation, or by imprisonment for a term in accordance with the penal
52 law, or by both such fine and imprisonment.

53 ii. Any person who shall violate paragraph a of this subdivision and
54 thereby causes or attempts to cause the release of more than ten cubic
55 yards of solid waste into the environment, after having been convicted
56 of a violation of this subdivision within the preceding five years,

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

8 c. i. 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 shall be guilty of a
11 class A misdemeanor and, upon conviction thereof, shall be punished by a
12 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
13 six hundred twenty-five dollars per day nor more than [~~thirty-seven~~
14 ~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per
15 day of violation, or by imprisonment for a term in accordance with the
16 penal law, or by both such fine and imprisonment.

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

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

38 § 42. Subdivision 2 of section 71-2721 of the environmental conserva-
39 tion law, as amended by section 32 of part C of chapter 62 of the laws
40 of 2003, is amended to read as follows:

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

- 43 (a) [~~Three~~] Four hundred fifty thousand dollars for a class C felony;
- 44 (b) [~~Two hundred twenty-five thousand~~] Three hundred thirty-seven
45 thousand five hundred dollars for a class D felony;
- 46 (c) [~~One hundred fifty thousand~~] Two hundred twenty-two thousand five
47 hundred dollars for a class E felony;
- 48 (d) [~~Thirty-seven thousand five hundred~~] Fifty-six thousand two
49 hundred fifty dollars for a class A misdemeanor;
- 50 (e) [~~Fifteen~~] Two hundred twenty-five thousand dollars for a class B
51 misdemeanor; or
- 52 (f) Double the amount of the defendant's gain from the commission of
53 the crime.

54 § 43. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental
55 conservation law, subdivision 1 as amended by section 33 and subdivision
56 2 as amended by section 34 of part C of chapter 62 of the laws of 2003,

1 and subdivision 5 as added by chapter 152 of the laws of 1990, are
2 amended to read as follows:

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

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

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

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

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

36 § 45. Subdivisions 1 and 3 of section 71-2907 of the environmental
37 conservation law, as amended by chapter 285 of the laws of 2000, are
38 amended to read as follows:

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

1 three hundred ninety-c of the social services law shall, for a first
2 such violation, in lieu of a penalty, be issued a written warning and
3 shall also be issued educational materials pursuant to subdivision two
4 of section 33-1005 of this chapter. Such person shall, however, for a
5 second violation, be liable to the people of the state for a civil
6 penalty not to exceed one hundred ~~fifty~~ dollars, and not to exceed [~~two~~
7 ~~hundred-fifty~~] three hundred seventy-five dollars for any subsequent
8 violation, such penalties to be assessed by the commissioner after a
9 hearing or opportunity to be heard.

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

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

1 district attorney consistent with section 71-0403 of this article. With
2 respect to violations of section 33-1004 of this chapter, penalties
3 imposed pursuant to this subdivision may be assessed only against a
4 person providing a commercial lawn application.

5 § 46. Section 71-3103 of the environmental conservation law is amended
6 to read as follows:

7 § 71-3103. Enforcement of article 35.

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

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

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

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

39 § 71-3307. Criminal sanctions.

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

49 § 49. Section 71-3501 of the environmental conservation law is amended
50 to read as follows:

51 § 71-3501. Putting noisome or unwholesome substances or maintaining
52 noisome business on or near highway.

53 A person, who deposits, leaves or keeps, on or near a highway or route
54 of public travel, either on the land or on the water, any noisome or
55 unwholesome substance, or establishes, maintains or carries on, upon or
56 near a public highway or route of public travel, either on the land or

1 on the water, any business, trade or manufacture which is noisome or
2 detrimental to public health, is guilty of a misdemeanor, punishable by
3 a fine of not less than one hundred fifty dollars, or by imprisonment
4 not less than three nor more than six months, or both.

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

7 § 71-3803. Enforcement of article thirty-eight.

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

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

20 § 71-3903. Violations; penalties.

21 1. Administrative sanctions. Any person who violates, disobeys or
22 disregards any provision of article thirty-nine shall be liable to the
23 people of the state for a civil penalty of not to exceed [~~three~~] four
24 thousand five hundred dollars for every such violation, to be assessed
25 by the commissioner after a hearing or opportunity to be heard. The
26 penalty may be recovered in an action brought by the commissioner in any
27 court of competent jurisdiction. Such civil penalty may be released or
28 [~~comprised~~] compromised by the commissioner before the matter has been
29 referred to the attorney general; and where such matter has been
30 referred to the attorney general, any such penalty may be released or
31 [~~comprised~~] compromised and any action commenced to recover the same may
32 be settled and discontinued by the attorney general with the consent of
33 the commissioner. In addition, the commissioner shall have power,
34 following a hearing, to direct the violator to cease [~~his~~] their
35 violation of article thirty-nine and, where appropriate, to recall any
36 sewage system cleaners or additives sold or distributed in violation of
37 said article. Any such order of the commissioner shall be enforceable in
38 an action brought by the commissioner in any court of competent juris-
39 diction. Any civil penalty or order issued by the commissioner under
40 this subdivision shall be reviewable in a proceeding under article
41 seventy-eight of the civil practice law and rules commenced within thir-
42 ty days of such penalty or order.

43 2. Criminal sanctions. Any person who knowingly violates any provision
44 of section 39-0105 of this chapter shall, in addition to the sanctions
45 provided in subdivision one of this section, for the first offense, be
46 guilty of a violation punishable by a fine of not less than [~~five~~] seven
47 hundred fifty nor more than one thousand five hundred dollars; for a
48 second and each subsequent offense [~~he~~] such person shall be guilty of a
49 misdemeanor punishable by a fine of not less than one thousand five
50 hundred nor more than [~~three~~] four thousand five hundred dollars or a
51 term of imprisonment of not more than six months or both. In addition to
52 or instead of these sanctions, any offender shall be punishable by being
53 ordered by the court to recall any sewage system cleaners or additives
54 sold or distributed in violation of article thirty-nine. The court shall
55 specify a reasonable time for the completion of the recall. Each offense
56 shall be a separate and distinct offense and, in the case of a continu-

1 ing offense, each day's continuance thereof shall be deemed a separate
2 and distinct offense.

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

5 § 71-3905. Enforcement.

6 The attorney general or a district attorney, at the request of the
7 attorney general or the commissioner, may prosecute persons who violate
8 article thirty-nine. In addition the attorney general, on [~~his~~] their
9 own initiative or at the request of the commissioner, shall have the
10 right to recover a civil penalty of not to exceed [~~three~~] four thousand
11 five hundred dollars for every violation of any provision of said arti-
12 cle, and to seek equitable relief to restrain any violation or threat-
13 ened violation of such article and to require the recall of any sewage
14 system cleaners or additives sold or distributed in violation of said
15 article.

16 § 53. Section 71-4001 of the environmental conservation law, as
17 amended by chapter 99 of the laws of 2010, is amended to read as
18 follows:

19 § 71-4001. General criminal penalty.

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

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

32 § 71-4003. General civil penalty.

33 Except as otherwise specifically provided elsewhere in this chapter, a
34 person who violates any provision of this chapter, or any rule, regu-
35 lation or order promulgated pursuant thereto, or the terms or conditions
36 of any permit issued thereunder, shall be liable to a civil penalty of
37 not more than one thousand five hundred dollars, and an additional civil
38 penalty of not more than one thousand five hundred dollars for each day
39 during which each such violation continues. Any civil penalty provided
40 for by this chapter may be assessed following a hearing or opportunity
41 to be heard.

42 § 55. Section 71-4103 of the environmental conservation law, as
43 amended by chapter 608 of the laws of 1993, is amended to read as
44 follows:

45 § 71-4103. Enforcement of article seventy-two.

46 Any person who violates any of the provisions of article seventy-two
47 of this chapter or the regulations promulgated thereunder shall be
48 liable for a civil penalty of up to one thousand five hundred dollars in
49 addition to any amount assessed as a penalty pursuant to subdivision
50 five of section 72-0201 of this chapter, except that any person who
51 fails to pay fees required pursuant to section 72-0303 of this chapter
52 shall be subject to penalty provisions pursuant to subdivision twelve of
53 section 72-0201 of this chapter.

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

56 § 71-4303. Violations of article forty of this chapter.

1 1. Civil and administrative sanctions. Any person who violates any of
2 the provisions of, or who fails to perform any duty imposed by, article
3 forty of this chapter or any rule or regulation promulgated thereunder,
4 or any terms or conditions of any certificate or permit issued pursuant
5 thereto, or any final determination or order of the commissioner made
6 pursuant to this title, shall be liable in the case of a civil penalty
7 not to exceed twenty-five thousand ~~five hundred~~ dollars and an addi-
8 tional penalty of not more than [~~twenty-five thousand~~] thirty-seven
9 thousand five hundred dollars for each day during which such violation
10 continues, to be assessed by the commissioner after an opportunity to be
11 heard pursuant to the provisions of section 71-1709 of this article or
12 by a court in any action or proceeding pursuant to this title, and, in
13 addition thereto such person may by similar process be enjoined from
14 continuing such violation. In addition, upon the provision of notice
15 stating the grounds for its action and giving an opportunity for hear-
16 ing, the commissioner may revoke, suspend or deny a certificate or a
17 renewal of a certificate issued pursuant to article forty of this chap-
18 ter. In the case of a second violation, the liability shall be for a
19 civil penalty not to exceed [~~fifty~~] seventy-five thousand dollars for
20 such violation and an additional penalty not to exceed [~~fifty~~] seventy-
21 five thousand dollars for each day during which such violation contin-
22 ues.

23 2. Criminal sanctions. Any person who, having any of the culpable
24 mental states defined in section 15.05 of the penal law, shall violate
25 any of the provisions of or who fails to perform any duty imposed by
26 article forty of this chapter or any rules or regulations promulgated
27 pursuant thereto, or any term or condition of any certificate or permit
28 issued pursuant thereto, or any final determination or order of the
29 commissioner made pursuant to this title shall be guilty of a misdemea-
30 nor and, upon conviction thereof, shall for a first conviction be
31 punished by a fine not to exceed [~~twenty-five~~] thirty-seven thousand
32 five hundred dollars per day of violation or by imprisonment for a term
33 of not more than one year, or by both such fine and imprisonment. If the
34 conviction is for an offense committed after a first conviction of such
35 person under this subdivision, punishment shall be by a fine not to
36 exceed [~~fifty~~] seventy-five thousand dollars per day of violation, or by
37 imprisonment for not more than two years or by both such fine and impri-
38 sonment.

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

41 § 71-4402. Violations of title 15 of article 27 of this chapter.

42 1. Civil and administrative sanctions.

43 Any person who violates any of the provisions of, or who fails to
44 perform any duty imposed by title 15 of article 27 of this chapter, or
45 any rule or regulation promulgated pursuant thereto, or any term or
46 condition of any certificate or permit issued pursuant thereto, or any
47 final determination or order of the commissioner made pursuant to this
48 title shall be liable in the case of a first violation, for a civil
49 penalty not to exceed [~~twenty-five~~] thirty-seven thousand five hundred
50 dollars and an additional penalty of not more than [~~twenty-five~~] thir-
51 ty-seven thousand five hundred dollars for each day during which such
52 violation continues, to be assessed by the commissioner after an oppor-
53 tunity to be heard pursuant to the provisions of section 71-1709 of this
54 chapter, or by the court in any action or proceeding pursuant to section
55 71-2727 of this chapter, and, in addition thereto, such persons may by
56 similar process be enjoined from continuing such violation and any

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

7 2. Criminal sanctions.

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

17 b. Any person who, intentionally, knowingly, or recklessly shall
18 violate any of the provisions of or who fails to perform any duty
19 imposed by title 15 of article 27 of this chapter or any rules and regu-
20 lations promulgated pursuant thereto, or any term or condition of any
21 certificate or permit issued pursuant thereto, or any final determi-
22 nation or order of the commissioner made pursuant to this title shall be
23 guilty of a class B misdemeanor and, upon conviction thereof, shall for
24 a first conviction be punished by a fine not to exceed [~~fifteen~~] twen-
25 ty-two thousand five hundred dollars per day of violation or by impri-
26 sonment for a term of not more than ninety days, or both such fine and
27 imprisonment. If the conviction is for an offense committed after a
28 first conviction of such person under this paragraph, within the preced-
29 ing five years, such person shall be guilty of a class A misdemeanor and
30 upon conviction, punishment shall be by a fine not to exceed [~~fifty~~]
31 seventy-five thousand five hundred dollars per day of violation, or by
32 imprisonment for not more than one year or by both such fine and impri-
33 sonment.

34 § 58. Subdivision 2 of section 71-4411 of the environmental conserva-
35 tion law, as added by chapter 180 of the laws of 1989, is amended to
36 read as follows:

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

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

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

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

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

45 (e) double the amount of the defendant's gain from the commission of
46 the crime.

47 § 59. The opening paragraph of subdivision 5 and subdivision 12 of
48 section 72-0201 of the environmental conservation law, the opening para-
49 graph of subdivision 5 as added by chapter 15 of the laws of 1983, and
50 subdivision 12 as added by chapter 608 of the laws of 1993, are amended
51 to read as follows:

52 If the amount of the fee is not paid within forty-five days of the
53 last date prescribed under subdivision four of this section, a penalty
54 shall be imposed on such deficiency. The amount of such penalty shall
55 not exceed [~~five~~] seven and one half percent of such deficiency per

1 month and the total penalty shall not exceed twenty-five percent of the
2 deficiency.

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

10 § 60. Subdivisions 2 and 3 of section 57-0136 of the environmental
11 conservation law, as amended by chapter 289 of the laws of 2006, are
12 amended to read as follows:

13 2. Civil penalties. (a) For a violation that takes place in the "core
14 preservation area" as defined in subdivision eleven of section 57-0107
15 of this title, any person who violates any provision of this title, the
16 land use plan adopted by the commission, any regulation promulgated by
17 the commission, or the terms or conditions of any order, permit, or
18 determination issued by the commission pursuant to this title shall be
19 liable for a civil penalty of not more than [~~twenty-five thousand~~ thir-
20 ty-seven thousand five hundred dollars for each violation and an addi-
21 tional civil penalty of not more than one thousand five hundred dollars
22 for each day that such violation continues.

23 (b) For a violation that takes place in the "compatible growth area"
24 as defined in subdivision twelve of section 57-0107 of this title, any
25 person who violates any provision of this title, the land use plan
26 adopted by the commission, any regulation promulgated by the commission,
27 or the terms or conditions of any order, permit, or determination issued
28 by the commission pursuant to this title shall be liable for a civil
29 penalty of not more than [~~ten~~ fifteen thousand dollars for each
30 violation and an additional civil penalty of not more than one thousand
31 five hundred dollars for each day that such violation continues.

32 3. Criminal penalties. (a) For a violation that takes place in the
33 "core preservation area" as defined in subdivision eleven of section
34 57-0107 of this title, any person who willfully or intentionally
35 violates any provision of this title, the land use plan adopted by the
36 commission, any regulation promulgated by the commission, or the terms
37 or conditions of any order, permit, or determination issued by the
38 commission pursuant to this title shall be guilty of a misdemeanor
39 punishable by a fine of not more than [~~twenty-five thousand~~ thirty-sev-
40 en thousand five hundred dollars for each violation and an additional
41 fine of not more than one thousand five hundred dollars for each day
42 that such violation continues.

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

53 § 61. Subdivision 1 of section 37-0211 of the environmental conserva-
54 tion law, as added by chapter 286 of the laws of 1990, such section as
55 renumbered by chapter 307 of the laws of 2020, is amended to read as
56 follows:

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

7 § 62. Section 33-0925 of the environmental conservation law, as
8 amended by chapter 43 of the laws of 2007, is amended to read as
9 follows:

10 § 33-0925. Sanctions.

11 Notwithstanding any other provision of law or regulation pursuant to
12 this title and/or any provision of this article as it relates to the
13 application of aquatic antifouling paints, any person who violates any
14 provision of this title or any rule, regulation or order issued there-
15 under shall be liable to the people of this state for a civil penalty of
16 up to one thousand five hundred dollars for a first violation to be
17 assessed by the commissioner after a hearing or opportunity to be heard.
18 In determining the amount of the penalty, the commissioner shall take
19 into account whether the violation posed an immediate threat to the
20 environment or the health and safety of the public. Any subsequent
21 violation of this title and/or any provision of this article as it
22 relates to the application of aquatic antifouling paints would be
23 subject to the appropriate sanctions pursuant to sections 71-2907 and
24 71-2911 of this chapter.

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

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

38 § 64. Subdivision 4 of section 23-1715 of the environmental conserva-
39 tion law, as amended by chapter 233 of the laws of 1979, is amended to
40 read as follows:

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

53 § 65. Subdivisions 4 and 5 of section 19-0320 of the environmental
54 conservation law, as added by chapter 621 of the laws of 1998, the open-
55 ing paragraph of subdivision 4 as amended by section 1 and the opening

1 paragraph of subdivision 5 as amended by section 2 of part W1 of chapter
2 62 of the laws of 2003, are amended to read as follows:

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

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

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

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

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

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

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

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

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

46 § 66. Subdivision 6 of section 17-1745 of the environmental conserva-
47 tion law, as added by chapter 199 of the laws of 1999, is amended to
48 read as follows:

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

52 § 67. Section 15-2723 of the environmental conservation law, as
53 amended by chapter 613 of the laws of 1975, is amended to read as
54 follows:

55 § 15-2723. Penalties and enforcement.

1 Any person who violates any provision of this title or any regulation
2 or order issued pursuant to this act by the commissioner or the agency
3 may be compelled to comply with or obey the same by injunction, mandamus
4 or other appropriate remedy. In addition, any such person shall pay a
5 civil penalty of not less than one hundred fifty dollars or more than
6 one thousand five hundred dollars for each day of such violation. The
7 commissioner or the agency as the case may be, is authorized to commence
8 a civil action to recover such civil penalties or other appropriate
9 relief.

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

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

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

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

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