

STATE OF NEW YORK

9856

IN SENATE

April 8, 2026

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to imposing corporate fines for violations of certain provisions of law

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

1 Section 1. Section 71-2703 of the environmental conservation law is
2 amended by adding a new subdivision 6 to read as follows:

3 6. Corporate liability. Notwithstanding any provision of this section
4 to the contrary, when a corporation is convicted of a crime under this
5 section, the sentence of the court shall be imposed in accordance with
6 section 71-2721 of this title.

7 § 2. Section 71-2721 of the environmental conservation law, as amended
8 by chapter 671 of the laws of 1986 and subdivision 2 as amended by
9 section 32 of part C of chapter 62 of the laws of 2003, is amended to
10 read as follows:

11 § 71-2721. Enforcement of Article 27 and this title.

12 1. When a person other than a corporation is convicted of a crime
13 under the provisions of this title, the sentence of the court shall be
14 as follows:

15 (a) A fine, as set forth in subdivision two of this section;

16 (b) Following a hearing in accordance with the procedures set forth in
17 section 71-2723 of this [~~chapter~~ title, payment of the cost of legally
18 disposing of the hazardous waste unlawfully possessed and restoring to
19 its original state the area where substances were released unlawfully in
20 violation of sections 27-0914, 71-2710, 71-2711, 71-2712, 71-2713 and
21 71-2714 of this chapter;

22 (c) Any other sentence authorized by law, including imprisonment; or

23 (d) Any combination of such fine, payment of the cost of disposal and
24 restoration, and any other sentence authorized by law, including impri-
25 sonment.

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

28 (a) Three hundred thousand dollars for a class C felony;

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

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1 (b) Two hundred twenty-five thousand dollars for a class D felony;
2 (c) One hundred fifty thousand dollars for a class E felony;
3 (d) Thirty-seven thousand five hundred dollars for a class A misdemea-
4 nor;
5 (e) Fifteen thousand dollars for a class B misdemeanor; or
6 (f) Double the amount of the defendant's gain from the commission of
7 the crime.

8 3. When a corporation is convicted of a crime under the provisions of
9 this title, the sentence of the court shall be as follows:

10 (a) A fine, as set forth in subdivision four of this section;

11 (b) Following a hearing in accordance with the procedures set forth in
12 section 71-2723 of this title, payment of the cost of legally disposing
13 of the hazardous waste unlawfully possessed and restoring to its
14 original state the area where substances were released unlawfully in
15 violation of sections 27-0914, 71-2710, 71-2711, 71-2712, 71-2713 and
16 71-2714 of this chapter;

17 (c) Any other sentence authorized by law; or

18 (d) Any combination of such fine, payment of the cost of disposal and
19 restoration, and any other sentence authorized by law.

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

22 (a) Three million dollars for a class C felony;

23 (b) Two million five hundred thousand dollars for a class D felony;

24 (c) One million five hundred thousand dollars for a class E felony;

25 (d) Three hundred seventy-five thousand dollars for a class A misde-
26 meanor;

27 (e) One hundred fifty thousand dollars for a class B misdemeanor; or

28 (f) Three times the amount of the defendant's gain from the commission
29 of the crime.

30 § 3. Section 71-2103 of the environmental conservation law, subdivi-
31 sion 1 as amended by chapter 99 of the laws of 2010 and subdivision 4 as
32 added by chapter 621 of the laws of 1998, is amended to read as follows:
33 § 71-2103. Violations; civil liability.

34 1. Except as provided in section 71-2113 of this title, any person
35 other than a corporation who violates any provision of article nineteen
36 or any code, rule or regulation which was promulgated pursuant thereto;
37 or any order except an order directing such person to pay a penalty by a
38 specified date issued by the commissioner pursuant thereto, shall be
39 liable, in the case of a first violation, for a penalty not less than
40 five hundred dollars nor more than eighteen thousand dollars for said
41 violation and an additional penalty of not to exceed fifteen thousand
42 dollars for each day during which such violation continues. In the case
43 of a second or any further violation, the liability shall be for a
44 penalty not to exceed twenty-six thousand dollars for said violation and
45 an additional penalty not to exceed twenty-two thousand five hundred
46 dollars for each day during which such violation continues. In addition
47 thereto, such person may be enjoined from continuing such violation as
48 hereinafter provided.

49 2. The penalty provided for in [~~subdivision 1~~] subdivisions one and
50 five of this section shall be recoverable in an action brought by the
51 Attorney General.

52 3. An action or cause of action for the recovery of a penalty under
53 article [~~19~~] nineteen of this chapter may be settled or compromised by
54 the Attorney General after proceedings are brought to recover such
55 penalties prior to the entry of judgment therefor.

1 4. Any fines collected for violations of section 19-0320 of this chap-
2 ter shall be deposited in the clean air fund, to the credit of the
3 mobile source account, in accordance with the provisions of section
4 ninety-seven-00 of the state finance law.

5 5. Except as provided in section 71-2113 of this title, any corpo-
6 ration that violates any provision of article nineteen of this chapter
7 or any code, rule or regulation which was promulgated pursuant thereto;
8 or any order except an order directing such corporation to pay a penalty
9 by a specified date issued by the commissioner pursuant thereto, shall
10 be liable, in the case of a first violation, for a penalty not less than
11 five thousand dollars nor more than one hundred eighty thousand dollars
12 for said violation and an additional penalty of not to exceed one
13 hundred fifty thousand dollars for each day during which such violation
14 continues. In the case of a second or any further violation, the liabil-
15 ity shall be for a penalty not to exceed two hundred sixty thousand
16 dollars for said violation and an additional penalty not to exceed two
17 hundred twenty-five thousand dollars for each day during which such
18 violation continues. In addition thereto, such corporation may be
19 enjoined from continuing such violation as hereinafter provided.

20 § 4. Section 71-2105 of the environmental conservation law, subdivi-
21 sion 1 as amended by chapter 99 of the laws of 2010, is amended to read
22 as follows:

23 § 71-2105. Criminal liability for violations.

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

39 2. No prosecution under this section shall be instituted until after
40 final disposition of an appeal or review, if any, provided by section
41 19-0511 of this chapter.

42 3. All prosecutions under this section shall be instituted by the
43 commissioner and shall be conducted by the Attorney General in the name
44 of the people of the state of New York.

45 4. In the prosecution of any criminal proceeding under this section by
46 the Attorney General and, in any proceeding before a grand jury in
47 connection therewith, the Attorney General shall exercise all the powers
48 and perform all the duties which the District Attorney would otherwise
49 be authorized or required to exercise or perform, and in such a proceed-
50 ing the District Attorney shall exercise such powers and perform such
51 duties as are requested of [~~him~~] the District Attorney by the Attorney
52 General.

53 5. Except as provided in section 71-2113 of this title, any corpo-
54 ration who shall wilfully violate any of the provisions of article nine-
55 teen of this chapter or any code, rule or regulation promulgated pursu-
56 ant thereto or any final determination or order of the commissioner made

pursuant to article nineteen of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine, in the case of a first conviction, of not less than five thousand dollars nor more than one hundred eighty thousand dollars for each separate violation. If the conviction is for an offense committed after the first conviction of such corporation under this subdivision, such corporation shall be punished by a fine not to exceed two hundred sixty thousand dollars. Each day on which such violation occurs shall constitute a separate violation.

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

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

1. Any person other than a corporation who violates any of the provisions of any regulation promulgated by the commissioner under authority of paragraph y of subdivision one of section 3-0301 of this chapter shall be liable for a civil penalty of not more than twenty-five hundred dollars for each such violation and an additional penalty of not more than five hundred dollars for each day during which such violation continues, and, in addition thereto, such persons may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

2. Any corporation who violates any of the provisions of any regulation promulgated by the commissioner under authority of paragraph y of subdivision one of section 3-0301 of this chapter shall be liable for a civil penalty of not more than twenty-five thousand dollars for each such violation and an additional penalty of not more than five thousand dollars for each day during which such violation continues, and, in addition thereto, such corporations may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

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

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

1. Civil and administrative sanctions. Any person other than a corporation who violates any of the provisions of, or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article [~~19~~] nineteen of this chapter concerning a violation of section 19-0304 of this chapter shall be liable in the case of a first violation, for a civil penalty not to exceed thirty-seven thousand five hundred dollars and an additional penalty of not more than thirty-seven thousand five hundred dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2107 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed seventy-five thousand dollars

1 for each such violation and an additional penalty not to exceed seven-
2 ty-five thousand dollars for each day during which such violation
3 continues.

4 2. Criminal sanctions. Any person other than a corporation who, having
5 any of the culpable mental states defined in section 15.05 of the penal
6 law, shall violate any of the provisions of or who fails to perform any
7 duty imposed by section 19-0304 of this chapter, or any rules and regu-
8 lations promulgated pursuant thereto, or any term or condition of any
9 certificate or permit issued pursuant thereto, or any final determi-
10 nation or order of the commissioner made pursuant to article [~~19~~] nine-
11 teen of this chapter concerning a violation of section 19-0304 of this
12 chapter shall be guilty of a misdemeanor and, upon conviction thereof,
13 shall for a first conviction be punished by a fine not to exceed thir-
14 ty-seven thousand five hundred dollars per day of violation or by impri-
15 sonment for a term of not more than one year, or both such fine and
16 imprisonment. If the conviction is for an offense committed after a
17 first conviction of such person under this subdivision, punishment shall
18 be by a fine not to exceed seventy-five thousand dollars per day of
19 violation, or by imprisonment for not more than two years or by both
20 such fine and imprisonment.

21 3. Civil and administrative sanctions for corporations. Any corpo-
22 ration that violates any of the provisions of, or who fails to perform
23 any duty imposed by section 19-0304 of this chapter, or any rule or
24 regulation promulgated pursuant thereto, or any term or condition of any
25 certificate or permit issued pursuant thereto, or any final determi-
26 nation or order of the commissioner made pursuant to article nineteen of
27 this chapter concerning a violation of section 19-0304 of this chapter
28 shall be liable in the case of a first violation, for a civil penalty
29 not to exceed thirty-seven thousand five hundred dollars and an addi-
30 tional penalty of not more than thirty-seven thousand five hundred
31 dollars for each day during which such violation continues, to be
32 assessed by the commissioner after an opportunity to be heard pursuant
33 to the provisions of section 71-1709 of this article, or by the court in
34 any action or proceeding pursuant to section 71-2107 of this title, and,
35 in addition thereto, such corporation may by similar process be enjoined
36 from continuing such violation and any permit or certificate issued to
37 such corporation may be revoked or suspended or a pending renewal appli-
38 cation denied. In the case of a second and any further violation, the
39 liability shall be for a civil penalty not to exceed seventy-five thou-
40 sand dollars for each such violation and an additional penalty not to
41 exceed seventy-five thousand dollars for each day during which such
42 violation continues.

43 4. Criminal sanctions for corporations. Any corporation that, acting
44 through its officers, employees, or agents, having any of the culpable
45 mental states defined in section 15.05 of the penal law, shall violate
46 any of the provisions of or that fails to perform any duty imposed by
47 section 19-0304 of this chapter, or any rules and regulations promulgat-
48 ed pursuant thereto, or any term or condition of any certificate or
49 permit issued pursuant thereto, or any final determination or order of
50 the commissioner made pursuant to article nineteen of this chapter
51 concerning a violation of section 19-0304 of this chapter shall be Guil-
52 ty of a misdemeanor and, upon conviction thereof, shall for a first
53 conviction be punished by a fine not to exceed three hundred seventy-
54 five thousand dollars per day of violation. If the conviction is for an
55 offense committed after a first conviction of such corporation under

1 this subdivision, punishment shall be by a fine not to exceed seven
2 hundred fifty thousand dollars per day of violation.

3 § 7. Section 71-1905 of the environmental conservation law is amended
4 to read as follows:

5 § 71-1905. Enforcement of section 17-1705.

6 1. Any person other than a corporation violating any provision of
7 section 17-1705 of this chapter shall forfeit to the county where the
8 violation occurred the sum of fifty dollars for every such violation.

9 2. Any corporation violating any provision of section 17-1705 of this
10 chapter shall forfeit to the county where the violation occurred the sum
11 of five hundred dollars for every such violation.

12 § 8. Section 71-1907 of the environmental conservation law is amended
13 to read as follows:

14 § 71-1907. Enforcement of section 17-1707.

15 1. Every person other than a corporation violating any provision of
16 section 17-1707 of this chapter shall forfeit to the municipality having
17 a local board of health where the violation occurs the sum of twenty-
18 five dollars for the first day when the violation takes place, and the
19 sum of ten dollars for every subsequent day that such violation is
20 repeated or continued.

21 2. The board of health of any such municipality shall examine into any
22 alleged offense against section 17-1707 of this chapter and cause the
23 same to be abated, if found to exist.

24 3. Any corporation violating any provision of section 17-1707 of this
25 chapter shall forfeit to the municipality having a local board of health
26 where the violation occurs the sum of twenty-five hundred dollars for
27 the first day when the violation takes place, and the sum of one thou-
28 sand dollars for every subsequent day that such violation is repeated or
29 continued.

30 § 9. Section 71-1909 of the environmental conservation law, subdivi-
31 sion 2 as amended by section 35 of part C of chapter 62 of the laws of
32 2003, is amended to read as follows:

33 § 71-1909. Enforcement of section 17-1709.

34 1. Any board of health named in subdivision [±] one of section 17-1709
35 of this chapter shall examine into any alleged offense against section
36 17-1709 of this chapter within its jurisdiction and cause the same to be
37 abated, by injunction or otherwise, if found to exist.

38 2. Any person other than a corporation violating any provision of
39 section 17-1709 of this chapter shall be guilty of a misdemeanor, and
40 punishable by a fine of not more than seven hundred fifty dollars or by
41 imprisonment for not more than one year or by both such fine and impri-
42 sonment.

43 3. Any corporation violating any provision of section 17-1709 of this
44 chapter shall be guilty of a misdemeanor, and punishable by a fine of
45 not more than seventy-five hundred dollars.

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

49 § 71-1911. Enforcement of section 17-1711.

50 1. Any person other than a corporation violating any provision of
51 section 17-1711 of this chapter shall be guilty of an offense, and
52 punishable by a fine of not more than seventy-five dollars.

53 2. Any corporation violating any provision of section 17-1711 of this
54 chapter shall be guilty of an offense, and punishable by a fine of not
55 more than seven hundred fifty dollars.

1 § 11. Section 71-1913 of the environmental conservation law is amended
2 to read as follows:

3 § 71-1913. Enforcement of section 17-1713.

4 1. Any board of health named in subdivision [~~1~~] one of section 17-1713
5 of this chapter shall examine into any alleged offense against section
6 17-1713 of this chapter within its jurisdiction and cause the same to be
7 abated, by injunction or otherwise, if found to exist.

8 2. Any person other than a corporation violating any provision of
9 section 17-1713 of this chapter shall be guilty of a misdemeanor, and
10 punishable by a fine of not more than five hundred dollars or by impri-
11 sonment for not more than one year or by both such fine and imprison-
12 ment.

13 3. Any corporation violating any provision of section 17-1713 of this
14 chapter shall be guilty of a misdemeanor, and punishable by a fine of
15 not more than five thousand dollars.

16 § 12. Section 71-1915 of the environmental conservation law is amended
17 to read as follows:

18 § 71-1915. Enforcement of section 17-1715.

19 1. Any person other than a corporation violating any provision of
20 section 17-1715 of this chapter shall be guilty of a misdemeanor, and
21 punishable by a fine of not more than five hundred dollars or by impri-
22 sonment for not more than one year or by both such fine and imprison-
23 ment.

24 2. It shall be the duty of the board of health of any municipality
25 where any violation of section 17-1715 of this chapter shall occur to
26 cause the same to be abated; provided that any person aggrieved by any
27 such fall, flow or discharge may also cause such abatement, by injunc-
28 tion or other appropriate action or proceeding.

29 3. Any corporation violating any provision of section 17-1715 of this
30 chapter shall be guilty of a misdemeanor, and punishable by a fine of
31 not more than five thousand dollars.

32 § 13. Section 71-1921 of the environmental conservation law is amended
33 to read as follows:

34 § 71-1921. Enforcement of section 17-1729.

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

41 2. The commissioner may maintain an action in the name of the people
42 to restrain a violation of section 17-1729 of this chapter.

43 3. Any corporation putting in or constructing or maintaining a
44 conduit, discharge pipe or other means of discharging or casting any
45 refuse or waste matter in violation of section 17-1729 of this chapter
46 shall forfeit to the people of the state fifty dollars a day for each
47 day the same is used or maintained for such purpose, to be collected in
48 an action brought by the commissioner.

49 § 14. Subdivision 1 of section 71-1929 of the environmental conserva-
50 tion law, as amended by section 37 of part C of chapter 62 of the laws
51 of 2003, is amended and a new subdivision 5 is added to read as follows:

52 1. A person other than a corporation who violates any of the
53 provisions of, or who fails to perform any duty imposed by titles [~~1~~]
54 one through [~~11~~] eleven inclusive and title [~~19~~] nineteen of article
55 [~~17~~] seventeen of this chapter, or the rules, regulations, orders or
56 determinations of the commissioner promulgated thereto or the terms of

1 any permit issued thereunder, shall be liable to a penalty of not to
2 exceed thirty-seven thousand five hundred dollars per day for each
3 violation, and, in addition thereto, such person may be enjoined from
4 continuing such violation as hereinafter provided. Violation of a permit
5 condition shall constitute grounds for revocation of such permit, which
6 revocation may be accomplished either as provided in paragraph f of
7 subdivision [4] four of section 17-0303 of this chapter or by order of
8 judgment of the supreme court as an alternate or additional civil penal-
9 ty in an action brought pursuant to subdivision [3] three of this
10 section.

11 5. A corporation that violates any of the provisions of, or who fails
12 to perform any duty imposed by titles one through eleven inclusive and
13 title nineteen of article seventeen of this chapter, or the rules, regu-
14 lations, orders or determinations of the commissioner promulgated there-
15 to or the terms of any permit issued thereunder, shall be liable to a
16 penalty of not to exceed three hundred seventy-five thousand dollars per
17 day for each violation, and, in addition thereto, such corporation may
18 be enjoined from continuing such violation as hereinafter provided.
19 Violation of a permit condition shall constitute grounds for revocation
20 of such permit, which revocation may be accomplished either as provided
21 in paragraph f of subdivision four of section 17-0303 of this chapter or
22 by order of judgment of the supreme court as an alternate or additional
23 civil penalty in an action brought pursuant to subdivision three of this
24 section.

25 § 15. Section 71-1941 of the environmental conservation law, as added
26 by chapter 400 of the laws of 1973, subdivision 1 as amended by section
27 40 of part C of chapter 62 of the laws of 2003, and subdivision 2 as
28 amended by chapter 613 of the laws of 1983, is amended to read as
29 follows:

30 § 71-1941. Penalties and liability for spills of bulk liquids.

31 1. Except where the owner of or a person other than a corporation in
32 actual or constructive possession or control of more than one thousand
33 one hundred gallons, in bulk, of any liquid including petroleum which,
34 if released, would or would be likely to pollute the lands or waters of
35 the state including the groundwaters thereof can prove that the entry or
36 presence of any part of such liquid onto such lands or into or in such
37 waters causing or contributing to a condition therein in contravention
38 of the standards adopted or deemed adopted by the water pollution
39 control board or any of its legal successors was caused solely by (A) an
40 act of God, (B) an act of war, (C) negligence on the part of the United
41 States or New York State Government or (D) an act or omission of a third
42 party without regard to whether any such act or omission was or was not
43 negligent, or any combination of the foregoing clauses, such owner or
44 person shall be liable for a penalty of not more than three thousand
45 seven hundred fifty dollars for an initial incident resulting in or
46 contributing to such a contravention and for an additional penalty not
47 to exceed seven hundred fifty dollars for each day during which such
48 contravention or contribution thereto continues, and in addition shall
49 be liable to the people of the state of New York for the actual costs
50 incurred by or on behalf of the people of the state for the removal or
51 neutralization of such liquid and for any and all reasonable measures
52 taken or attempted to reduce, limit or diminish the extent or effect of
53 such contravention.

54 2. Such penalty or reimbursement or both due the people of the state
55 by reason of the liability provided in subdivision one of this section
56 may be assessed by the commissioner by order after a hearing or hearings

1 noticed and conducted and reviewable as provided in title nine of arti-
2 cle seventeen of this chapter, or opportunity to be heard, or be recov-
3 ered in an action or actions brought by the attorney general.

4 3. In assessing the amount of any such penalty the commissioner or
5 court shall consider:

6 a. The type, extent and amount of damage which resulted from such
7 incident.

8 b. The degree of care taken by or on behalf of the party charged to
9 prevent the occurrence of the incident.

10 c. The efforts made by or on behalf of the party charged to reduce or
11 mitigate the damage which resulted from the incident.

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

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

38 § 71-1943. Enforcement of section 17-1743.

39 1. Any person other than a corporation who fails to so notify the
40 department of such release, discharge or spill into the waters of the
41 state as described in section 17-1743 of this chapter shall, upon
42 conviction, be fined not more than three thousand seven hundred fifty
43 dollars or imprisoned for not more than one year, or both.

44 2. Any corporation that fails to so notify the department of such
45 release, discharge or spill into the waters of the state as described in
46 section 17-1743 of this chapter shall, upon conviction, be fined not
47 more than thirty-seven thousand five hundred dollars.

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

50 § 71-1945. Enforcement of title 21 of article 17.

51 1. Except as otherwise provided in this section, any person other than
52 a corporation who violates any provision of title [~~21~~] twenty-one of
53 article [~~17~~] seventeen of this chapter or any rule, regulation or order
54 issued thereunder shall be liable to the people of the state for a civil
55 penalty not to exceed five hundred dollars for a first violation, and

1 not to exceed one thousand dollars for each subsequent violation, to be
2 assessed by the commissioner after a hearing or opportunity to be heard.

3 2. Any owner or owner's agent, or occupant of a household who violates
4 any provision of title [~~21~~] twenty-one of article [~~17~~] seventeen of this
5 chapter or any rule, regulation or order issued thereunder shall, for a
6 first violation be issued a written warning and be provided educational
7 materials. Upon a second violation, the owner or owner's agent, or occu-
8 pant of a household shall be liable to the people of the state for a
9 civil penalty not to exceed one hundred dollars, and for any subsequent
10 violations shall be liable to the people of the state for a civil penal-
11 ty not to exceed two hundred fifty dollars. No owner or owner's agent of
12 a household shall be held liable for any violation by an occupant. Such
13 penalties may be assessed by the commissioner after a hearing or oppor-
14 tunity to be heard.

15 3. Except as otherwise provided in this section, any corporation that
16 violates any provision of title twenty-one of article seventeen of this
17 chapter or any rule, regulation or order issued thereunder shall be
18 liable to the people of the state for a civil penalty not to exceed five
19 thousand dollars for a first violation, and not to exceed ten thousand
20 dollars for each subsequent violation, to be assessed by the commission-
21 er after a hearing or opportunity to be heard.

22 § 18. Section 71-4003 of the environmental conservation law, as
23 amended by chapter 99 of the laws of 2010, is amended to read as
24 follows:

25 § 71-4003. General civil penalty.

26 1. Except as otherwise specifically provided elsewhere in this chap-
27 ter, a person other than a corporation who violates any provision of
28 this chapter, or any rule, regulation or order promulgated pursuant
29 thereto, or the terms or conditions of any permit issued thereunder,
30 shall be liable to a civil penalty of not more than one thousand
31 dollars, and an additional civil penalty of not more than one thousand
32 dollars for each day during which each such violation continues. Any
33 civil penalty provided for by this chapter may be assessed following a
34 hearing or opportunity to be heard.

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

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