STATE OF NEW YORK

S. 9008 A. 10008

SENATE - ASSEMBLY

January 21, 2026

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

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

AN ACT to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part A); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part B); to amend the vehicle and traffic law in relation to requiring the completion of the motorcycle rider safety course to obtain a motorcycle license (Part C); to amend the vehicle and traffic law, in relation to establishing a pilot program requiring the installation of intelligent speed assistance devices for repeated violations of maximum speed limits in New York City; and providing for the repeal of such provisions upon expiration thereof (Part D); to amend the vehicle and traffic law, in relation to allowing for-hire autonomous vehicles outside of New York City; to amend part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part E); to amend the penal law, in relation to penalties for violence against highway workers; and to amend the vehicle and traffic law, in relation to license suspension for certain crimes against highway workers and establishing new penalties for intrusion into an active work zone (Part F); to amend the vehicle and traffic law, in relation to expanding the automated work zone speed enforcement program to include additional New York roadways (Part G); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation author-

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

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ity, in relation to extending provisions of law relating to certain tax increment financing provisions (Part H); authorizing the Metropolitan Transportation Authority to conduct environmental reviews under the State Environmental Quality Review Act for the crosstown extension of the Second Avenue Subway project in two stages (Part I); to amend the agriculture and markets law, in relation to dairy promotion and marketing of agricultural products in New York state; and to repeal sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, in relation thereto (Part J); to amend the tax law, in relation to extending the refundability of the investment tax credit for farmers (Part K); to amend the public authorities law, the public service law and the real property law, in relation to the green jobs-green New York program (Part L); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation from an assessment on gas and electric corporations (Part M); to amend the public service law, in relation to executive compensation disclosure by gas, electric, steam and water-works corporations (Part N); to amend the public service law, in relation to procedures for new rates or charges proposed by utilities (Part O); to amend the public service law, in relation to establishing an energy affordability index (Part P); to amend the real property law and the public service law, in relation to prohibiting utility service terminations in multiple dwellings (Part Q); to amend the environmental conservation law, in relation to reforming the state environmental quality review act (Part R); to amend the environmental conservation law, in relation to removing the statutory caps on rebates for certain infrastructure projects and vehicle purchases by municipalities (Part S); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part T); in relation to authorizing the trustees of the state university of New York to lease and contract to make available certain land on the state university of New York at Farmingdale's campus (Subpart A); in relation to authorizing the trustees of the state university of New York to lease and contract to make available certain land on the state university of New York at Stony Brook's campus (Subpart B); and in relation to authorizing the commissioner of transportation to transfer and convey certain state-owned real property in the town of Babylon, county of Suffolk (Subpart C) (Part U); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part V); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part W); to amend the general business law, in relation to requiring synthetic content creations system providers to include provenance data on synthetic content produced or modified by a synthetic content creations system that the synthetic content creations system provider makes available (Part X); to amend the general business law, in relation to establishing the "Safe by Design Act" (Part Y); to amend the general business

law, in relation to prohibiting advertising of certain former prices by a retail seller (Part Z); to amend the general business law, in relation to enacting the "data broker accountability act" (Part AA); to amend the insurance law, in relation to requiring insurers to provide explanations for certain premium increases (Part BB); to amend the insurance law, in relation to the determination of a benchmark loss ratio for homeowners' insurance (Part CC); to amend the insurance law, in relation to insurance discounts for real property (Part DD); to amend the insurance law and the civil practice law and rules, in relation to motor vehicle accident liability; and to repeal certain provisions of the civil practice law and rules relating thereto (Part EE); to amend the insurance law, in relation to the timeframe for reporting fraudulent claims and paying claims (Part FF); to amend the insurance law, in relation to requiring annual reports on insurance for multi-family buildings (Part GG); to amend the insurance law, in relation to the annual consumer guide of health insurers (Subpart A); to amend the insurance law and the public health law, in relation to ongoing treatment by an out-of-network provider during pregnancy (Subpart B); to amend the insurance law, in relation to accessible formulary drug lists (Subpart C); and to amend the insurance law and the public health law, in relation to utilization reviews for treatment for a chronic health condition (Subpart D) (Part HH); to amend the insurance law, in relation to providing motor vehicle liability, comprehensive and collision insurance premium deductions for the installation of a dashboard camera (Part II); to amend the banking law, in relation to protecting private education loan borrowers and cosigners (Part JJ); to amend the insurance law, in relation to extending the policy period for excess profit refunds to motor vehicle policyholders (Part KK); and to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part LL)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2026-2027 state fiscal year. Each component is wholly contained within a Part identified as Parts A through LL. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 1 of part G of chapter 58 of the laws of 2024, is amended to read as follows:

§ 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, [~~2026~~] **2028**; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, [~~2026~~] **2028**.

§ 2. Section 2 of part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, as amended by section 2 of part G of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on April 1, [~~2026~~] **2028**.

§ 3. This act shall take effect immediately.

PART B

Section 1. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, as amended by section 1 of part F of chapter 58 of the laws of 2024, is amended to read as follows:

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed April 1, [~~2026~~] **2028**; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

§ 2. This act shall take effect immediately.

PART C

Section 1. Subdivision 4 of section 502 of the vehicle and traffic law is amended by adding a new paragraph (i) to read as follows:

(i) Motorcycle rider safety course. Upon submission of an application for a class M license, the applicant shall submit proof to the commissioner of the applicant's successful completion of the motorcycle rider safety course established and administered pursuant to section four hundred ten-a of this chapter. The completion of the motorcycle rider safety course required herein shall supplement, and not substitute, the course requirement of subparagraph (i) of paragraph (a) of this subdivision and shall only apply to class M license applicants who have neither previously held a class M license issued by the commissioner nor a motorcycle license issued in another state as it is defined by section five hundred sixteen of this title.

§ 2. This act shall take effect one year after it shall have become a law.

PART D

Section 1. Section 1642 of the vehicle and traffic law is amended by adding a new subdivision (c) to read as follows:

(c) 1. In addition to the other powers granted by this article, the legislative body of any city having a population in excess of one

million, may by local law, ordinance, order, rule, regulation or health code provision establish an intelligent speed assistance device pilot program. The provisions of this subdivision shall apply only to violations committed solely within a city having a population of one million or more.

2. For purposes of this subdivision, "intelligent speed assistance device" shall be defined as a device which is installed in a motor vehicle and utilizes technology to limit the speed of the motor vehicle based on the maximum speed limits established pursuant to article thirty of this chapter. The technology shall allow for limited further acceleration past the speed limit, if necessary, based on traffic conditions.

3. Such program may require a person, upon such person's conviction of a determinate number of violations of any provision of section eleven hundred eighty or section eleven hundred eighty-b of this chapter, as determined by such city, and committed within a certain period of time as shall be established by such city, in addition to any other penalties prescribed by law, to install and maintain a functioning intelligent speed assistance device for a mandated period of time in any motor vehicle such person owns or operates, as shall be established by such city.

4. At the conclusion of the mandated period of time, provided that such person has successfully completed the term of installation with no further violations of section eleven hundred eighty or section eleven hundred eighty-b of this chapter occurring solely within a city having a population of one million or more, notification shall be provided to such person authorizing the removal of such device or devices.

5. Any local law, ordinance, order, rule, regulation or health code provision establishing a speed assistance device pilot program shall provide for regulations governing the monitoring of the compliance of persons ordered to install and maintain an intelligent speed assistance device. In addition, such program shall make publicly available:

(a) criteria for approval of approved intelligent speed assistance devices which shall include a publicly available list of approved devices and a published list of such approved devices;

(b) criteria for the approval of service providers which are qualified to install, service, inspect, and remove approved intelligent speed assistance devices; and

(c) a publicly available list of such service providers.

6. Imposition of an intelligent speed assistance device shall in no way limit the effect of any period of license suspension or revocation set forth by the commissioner or required under this chapter.

7. (a) No person shall tamper with or circumvent an otherwise operable intelligent speed assistance device.

(b) No person subject to the requirement described in paragraph three of this subdivision shall operate a motor vehicle without such device.

(c) No vehicle owner shall operate, or permit another person to operate, a motor vehicle they own without an intelligent speed assistance device when such vehicle is mandated to have such device.

(d) In addition to any other provisions of law, any person convicted of a violation of subparagraph (a), (b), or (c) of this paragraph shall be guilty of a class A misdemeanor.

§ 2. This act shall take effect one year after it shall have become a law and shall expire April 1, 2031, when upon such date the provisions of this act shall be deemed repealed. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART E

Section 1. Section 1226 of the vehicle and traffic law, as amended by chapter 506 of the laws of 1971, is amended as follows:

§ 1226. Control of steering mechanism. No person shall operate a motor vehicle without having at least one hand or, in the case of a physically handicapped person, at least one prosthetic device or aid on the steering mechanism at all times when the motor vehicle is in motion. **Provided, however, this section shall not apply to for-hire autonomous vehicles as permitted by article forty-four-D of this chapter.**

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

ARTICLE 44-D

FOR-HIRE AUTONOMOUS VEHICLES

Section 1707. Definitions.

1708. For-hire autonomous vehicles.

§ 1707. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Autonomous vehicle" shall mean a motor vehicle utilizing autonomous vehicle technology.

2. "Autonomous vehicle technology" shall mean the hardware and software that are collectively capable of independently performing all of the dynamic driving tasks on a sustained basis.

3. "Autonomous vehicle network" or "network" shall mean an identified network of motor vehicles using autonomous technology to operate independent of a driver.

4. "Dynamic driving task" shall mean all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic.

5. "Deploy" shall mean initiating and continuing the operation of an autonomous vehicle on public highways.

§ 1708. For-hire autonomous vehicles. 1. No network shall deploy autonomous vehicles for taxicab, livery, or for-hire services in a city having a population of one million or more.

2. No network shall deploy an autonomous vehicle as a taxicab, livery, or for-hire services without first being duly authorized by the commissioner.

3. A network may be eligible to deploy an autonomous vehicle for taxicab, livery, or for-hire services, if such network demonstrates to the commissioner in a form and manner required by the commissioner that such network satisfies the following criteria:

(a) An applicant for an authorization to deploy an autonomous vehicle for taxicab, livery or for-hire services must complete an application supplied by the commissioner, accompanied by a fee in the amount of one million dollars and any other documentation requested by the commissioner. Thereafter, on a quadrennial basis, the applicant shall apply for renewal and pay a renewal fee in the amount five hundred thousand dollars, which shall be due upon application for renewal. If the application or renewal application is denied, the department shall retain twenty-five percent of the fee.

(b) No network shall be issued an authorization unless the applicant presents proof it has obtained, at a minimum, financial security in the amount of five million dollars for the entire network engaged as autonomous vehicles for taxicab, livery or for-hire services.

(c) The autonomous vehicle is deployed in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state.

(d) A sufficient demonstration of support, as determined by the commissioner, from municipal, county or other local stakeholders.

(e) Such other criteria as the commissioner shall determine, which may include the projected impact of such services on safety, traffic control, traffic enforcement, the local workforce and emergency services.

4. The commissioner shall deny an application or renewal of an application for the deployment of an autonomous vehicle as a for-hire autonomous vehicle if such vehicle or applicant does not comply with this chapter or the requirements established by the commissioner or any other laws of the state, or for any other reason in the discretion of the commissioner, and the commissioner may suspend or revoke a license for failure to comply with this chapter or such requirements, or whenever the commissioner deems necessary to preserve or protect traffic safety or the safety of the public.

5. The commissioner may promulgate any regulation necessary to effectuate this article.

§ 3. Section 3 of part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, as amended by section 1 of part J of chapter 58 of the laws of 2024, is amended to read as follows:

§ 3. This act shall take effect April 1, 2017; provided, however, that section one of this act shall expire and be deemed repealed April 1, [~~2026~~] 2028.

§ 4. This act shall take effect immediately; provided, however that sections one and two of this act shall take effect one year after it shall have become a law.

PART F

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

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

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

the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

§ 2. The penal law is amended by adding a new section 120.13-a to read as follows:

§ 120.13-a Menacing a highway worker.

A person is guilty of menacing a highway worker when they intentionally place or attempt to place a highway worker in reasonable fear of death, imminent serious physical injury or physical injury. For purposes of this section, the term "highway worker" shall have the same meaning as defined in section one hundred eighteen-a of the vehicle and traffic law.

Menacing a highway worker is a class E felony.

§ 3. The vehicle and traffic law is amended by adding three new sections 118-a, 124-a and 124-b to read as follows:

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

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

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

§ 4. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new subparagraph (xviii) to read as follows:

(xviii) for a period of not less than thirty nor greater than one hundred eighty days where the holder is convicted of the crime of assault in the second degree as defined in subdivision eleven of section 120.05 of the penal law or assault in the third degree as defined in section 120.00 of the penal law, where such offense was committed against a motor vehicle license examiner, motor vehicle representative, automotive facilities inspector, highway worker, motor carrier investigator, motor vehicle inspector, or where the holder is convicted of the

crime of menacing a highway worker as defined in article one hundred twenty of the penal law.

§ 5. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows:

§ 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle shall enter or intrude into an active work zone except upon direction from a flagperson, police officer or other visibly designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area of a highway, street or private road on which construction, maintenance or utility work is being conducted, which area is marked by any signs, channeling devices, barriers, pavement markings, or work vehicles, and where workers are physically present.

2. A violation of subdivision one of this section shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars, or by a period of imprisonment not to exceed three months, or by both such fine and imprisonment.

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

PART G

Section 1. Paragraph 1 of subdivision (a) of section 1180-e of the vehicle and traffic law, as amended by section 1 of part Q of chapter 58 of the laws of 2025, is amended to read as follows:

1. Notwithstanding any other provision of law, the commissioner of transportation is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on a [~~controlled-access~~] highway (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such demonstration program shall empower the commissioner to install photo speed violation monitoring systems within no more than forty highway construction or maintenance work areas located on [~~controlled-access~~] highways and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The commissioner, in consultation with the superintendent of the division of state police, shall determine the location of the highway construction or maintenance work areas located on a [~~controlled-access~~] highway in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the commissioner shall consider criteria including, but not limited to, the speed data,

crash history, and roadway geometry applicable to such highway construction or maintenance work area. A photo speed violation monitoring system shall not be installed or operated on a [~~controlled-access~~] highway exit ramp.

§ 2. Subdivision (b) of section 1180-e of the vehicle and traffic law, as amended by section 2 of part Q of chapter 58 of the laws of 2025, is amended to read as follows:

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

§ 3. Paragraphs 5 and 9 of subdivision (c) of section 1180-e of the vehicle and traffic law, as amended by section 2 of part Q of chapter 58 of the laws of 2025, are amended to read as follows:

5. [~~"controlled-access highway" shall mean a controlled-access highway as defined by section one hundred nine of this chapter under the commissioner's jurisdiction which has been functionally classified by the department of transportation as principal arterial - interstate or principal arterial - other freeway/expressway on official functional classification maps approved by the federal highway administration pursuant to part 470.105 of title 23 of the code of federal regulations, as amended from time to time~~] **"highway" shall mean any real property owned, controlled, or under the jurisdiction of the commissioner, the thruway authority, Triborough bridge and tunnel authority, or bridge authority**;

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

§ 4. Paragraphs 2, 4, and 6 of subdivision (m) of section 1180-e of the vehicle and traffic law, as amended by section 2 of part Q of chapter 58 of the laws of 2025, are amended to read as follows:

2. the aggregate number, type and severity of crashes, fatalities, injuries and property damage reported within all highway construction or maintenance work areas on [~~controlled-access~~] highways, the thruway,

Triborough bridge and tunnel authority facilities or bridge authority facilities, as applicable, to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state;

4. the number of violations recorded within all highway construction or maintenance work areas on [~~controlled-access~~] highways, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, in the aggregate on a daily, weekly and monthly basis to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state;

6. to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state, the number of violations recorded within all highway construction or maintenance work areas on [~~controlled-access~~] highways, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, that were:

(i) more than ten but not more than twenty miles per hour over the posted speed limit;

(ii) more than twenty but not more than thirty miles per hour over the posted speed limit;

(iii) more than thirty but not more than forty miles per hour over the posted speed limit; and

(iv) more than forty miles per hour over the posted speed limit;

§ 5. This act shall take effect immediately; provided, however, that the amendments made to section 1180-e of the vehicle and traffic law by sections one, two, three and four of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith.

PART H

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part I of chapter 58 of the laws of 2025, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, [~~2026~~] **2036**, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. This act shall take effect immediately.

PART I

Section 1. Definitions. Whenever used in this act, the following terms shall have the following meanings:

1. "Authority" shall mean the metropolitan transportation authority created by section twelve hundred sixty-three of the public authorities law.

2. "125 Street Subway Extension project" shall mean a project within the metropolitan commuter transportation district to be undertaken by

the Authority to extend subway service westward from the northern terminus of the Second Avenue Subway Phase Two Project to the west side of Manhattan. Such project includes construction of a subterranean tunnel running from 125 Street and Lenox Avenue west along 125 Street past Broadway, and the construction of additional stations, and any ancillary facilities, connecting with north and south subway lines.

3. "Subterranean Tunnel Component" shall mean the component of the 125 Street Subway Extension Project consisting of construction of a subterranean tunnel running from 125 Street and Lenox Avenue west along 125 Street past Broadway.

4. "Metropolitan commuter transportation district" shall mean the commuter transportation district created by section twelve hundred sixty-two of the public authorities law.

5. "Second Avenue Subway Phase Two Project" shall mean a project within the metropolitan commuter transportation district, commenced by the Authority as of the effective date of this chapter, to extend the Q line subway into Harlem through construction of two new stations on Second Avenue at 106 and 116 streets and extending Q line subway service to a third new station at 125 Street and Lexington Avenue that will connect to the 4, 5, and 6 subway lines and Metro-North railroad.

§ 2. The Authority shall conduct the applicable environmental review of the Subterranean Tunnel Component in accordance with the provisions of article eight of the environmental conservation law, provided that such environmental review shall not be required to be conducted concurrent with, or inclusive of, the environmental review specified in section three of this act.

§ 3. The Authority shall conduct the applicable environmental review of all other components of the 125 Street Subway Extension project, including construction of the stations and any ancillary facilities, in accordance with the provisions of article eight of the environmental conservation law; provided that such environmental review shall not be required to be conducted concurrent with, or inclusive of, the environmental review specified in section two of this act.

§ 4. (1) The Authority shall not approve, permit, acquire real property pursuant to the eminent domain procedure law, or undertake any discretionary action required to construct the Subterranean Tunnel Component described in section two of this act, and no agency, as defined in section 8-0105 of the environmental conservation law, shall permit or authorize any activity relating to construction of the Subterranean Tunnel Component, until the Authority has completed the applicable environmental review required pursuant to section two of this act.

(2) The Authority shall not approve, permit, acquire real property pursuant to the eminent domain procedure law, or undertake any discretionary action required to construct the other components of the 125 Street Subway Extension project described in section three of this act, and no agency, as defined in section 8-0105 of the environmental conservation law, shall permit or authorize any activity relating construction of the other components of the 125 Street Subway Extension project, until the Authority has completed the applicable environmental review required pursuant to section three of the act.

(3) The preparation of a design or designs shall not be deemed to have prejudiced any decision-making pursuant to article eight of the environmental conservation law.

§ 5. This act shall take effect immediately.

PART J

Section 1. Article 21-AA of the agriculture and markets law is amended by adding a new section 258-aa to read as follows:

§ 258-aa. Dairy promotion act. 1. Declaration of policy. It is hereby declared that the dairy industry is a paramount agricultural industry of this state, and is an industry affecting the health and welfare of the inhabitants of the state; that the continued existence of the dairy industry and the continued production of milk on the farms of this state is of vast economic importance to the state and to the health and welfare of the inhabitants thereof; that it is essential, in order to assure such continued production of milk and its handling and distribution, that prices to producers be such as to return reasonable costs of production, and at the same time assure an adequate supply of milk and dairy products to consumers at reasonable prices; and to these ends it is essential that consumers and others be adequately informed as to the dietary needs and advantages of milk and dairy products and as to the economies resulting from the use of milk and dairy products, and to command for milk and dairy products, consumer attention and demand consistent with their importance and value. It is further declared that continued decline in the consumption of fluid milk and some other dairy products will jeopardize the production of adequate supplies of milk and dairy products because of increasing surpluses necessarily returning less to producers; and that continued adequate supplies of milk and dairy products is a matter of vital concern as affecting the health and general welfare of the people of this state. It is therefore declared to be the legislative intent and policy of the state:

(a) To enable milk producers and others in the dairy industry, with the aid of the state, to more effectively promote the consumption of milk and dairy products;

(b) To provide methods and means for the development of new and improved dairy products, and to promote their use; and

(c) To this end, eliminate the possible impairment of the purchasing power of the milk producers of this state and to assure an adequate supply of milk for consumers at reasonable prices.

2. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Dairy products" means milk and products derived therefrom, and products of which milk or a portion thereof is a significant part.

(b) "Producer" means any person in this state who is engaged in the production of milk or who causes milk to be produced for any market in this or any other state.

(c) "Advisory board" means the persons appointed by the commissioner from nominations from producers as herein defined to assist the commissioner in administering a dairy promotion order.

(d) "Milk dealer" means any person who purchases or handles or receives or sells milk, including individuals, partnerships, corporations, cooperative associations, and unincorporated cooperative associations.

(e) "Dairy promotion order" means an order issued by the commissioner, pursuant to the provisions of this section.

(f) "Cooperative" means an association or federation or cooperative of milk producers organized under the laws of New York state, or any other state, having agreements with their producer members to market, bargain for or sell the milk of such producers, and is actually performing one or more of these services in the marketing of the milk produced by their members, through the cooperative or through a federation of milk cooperatives in which the cooperative has membership.

3. Powers and duties of the commissioner. (a) The commissioner shall administer and enforce the provisions of this section and shall have and may exercise any or all the administrative powers conferred upon the head of a department. In order to effectuate the declared policy of this section the commissioner may, after due notice and hearing, make and issue a dairy promotion order, or orders.

(b) Such order or orders shall be issued and amended or terminated in accordance with the following procedures:

(i) Before any such order may become effective it shall be approved by fifty-one per centum of the producers of milk voting in the referendum for the area to be regulated by such order. Such referendum shall not constitute valid approval unless fifty-one per centum of all milk producers for the area to be regulated vote in the referendum.

(ii) Producers may vote by individual ballot or through their cooperatives in accordance with the following procedures:

(1) Cooperatives may submit written approval of such order within a period of one hundred twenty days after the commissioner has announced a referendum on a proposed order, for such producers who are listed and certified to the commissioner as members of such cooperative, provided, however, that any cooperative before submitting such written approval shall give at least sixty days prior written notice to each producer who is its member, of the intention of the cooperative to approve such proposed order, and further provide that if such cooperative does not intend to approve such proposed order, it shall likewise give written notice of at least sixty days to each such producer who is its member, of its intention not to approve of such proposed order.

(2) Any producer may obtain a ballot from the commissioner so that they may register their own approval or disapproval of the proposed order.

(3) A producer who is a member of a cooperative which has notified such producer of its intent to approve or not to approve of a proposed order, and who obtains a ballot and with such ballot expresses the producer's approval or disapproval of the proposed order, shall notify the commissioner as to the name of the cooperative of which the producer is a member, and the commissioner shall remove such producer's name from the list certified by such cooperative.

(4) In order to ensure that all milk producers are informed regarding a proposed order, the commissioner shall notify all milk producers that an order is being considered, and that each producer may register the producer's approval or disapproval with the commissioner either directly or through the producer's cooperative.

(5) The commissioner may appoint a referendum advisory committee to assist and advise the commissioner in the conduct of the referendum. Such committee shall review referendum procedures and the tabulation of results and shall advise the commissioner of its findings. The final certification of the referendum results shall be made by the commissioner. The committee shall consist of not less than three members, none of whom shall be persons directly affected by the promotion order being voted upon. Two members shall be representatives of general farm organizations which are not directly affected by the order being voted upon. The members of the committee shall not receive a salary but shall be entitled to actual and reasonable expenses incurred in the performance of their duties.

(6) The commissioner may, and upon written petition of not less than ten per centum of the producers in the area, either as individuals or through cooperative representation shall, call a hearing to amend or

terminate such order, and any such amendment or termination shall be effective only upon approval of fifty-one per centum of the producers of milk for the area regulated participating in a referendum vote as provided pursuant to this paragraph.

(c) The commissioner shall administer and enforce any such dairy promotion order while it is in effect, for the purpose of:

(i) Encouraging the consumption of milk and dairy products by acquainting consumers and others with the advantages and economy of using more of such products.

(ii) Protecting the health and welfare of consumers by assuring an adequate supply of milk and dairy products.

(iii) Providing for research programs designed to develop new and improved dairy products.

(iv) Providing for research programs designed to acquaint consumers and the public generally with the effects of the use of milk and dairy products on the health of such consumers.

(d) Carrying out, in other ways, the declared policy and intent of this section.

4. Provisions of dairy promotion orders. Any dairy promotion order or orders may contain, among others, any or all of the following:

(a) Provision for levying an assessment against all producers subject to the regulation for the purpose of carrying out the provisions of such order and to pay the cost of administering and enforcing such order. In order to collect any such assessments, provision shall be made for each milk dealer who receives milk from producers to deduct the amount of assessment from moneys otherwise due to producers for the milk so delivered. The rate of such assessment shall not exceed two per cent per hundredweight of the gross value of the producer's milk, and there may be credited against any such assessment the amounts per hundredweight otherwise paid by any producer covered by the order by voluntary contribution or otherwise pursuant to any other federal or state milk market order for any similar research promotion or program. Notwithstanding the provisions of paragraph (b) of subdivision three of this section, the commissioner, upon written petition of no less than twenty-five per cent of producers in the area, either as individuals or through cooperative representation, may call a hearing for the sole purpose of establishing a new rate of assessment hereunder and may submit a proposed change in the rate of assessment to the producers for acceptance or rejection without otherwise affecting the order. The producers in the area may vote on the proposed rate either as individuals or through cooperative representation. Notwithstanding the foregoing provisions of this paragraph and of paragraph (b) of subdivision three of this section, or the provisions of any order promulgated pursuant to this section, the rate of assessment, for any period during which a dairy products promotion and research order established pursuant to the federal dairy and tobacco adjustment act of 1983 is in effect, shall not be less than an amount equal to the maximum credit which producers participating in this state's dairy products promotion or nutrition education programs may receive pursuant to subdivision (g) of section 113 of such federal act.

(b) Provision for payments to organizations engaged in campaigns by advertisements or otherwise, including participation in similar regional or national plans or campaigns to promote the increased consumption of milk and dairy products, to acquaint the public with the dietary advantages of milk and dairy products and with the economy of their inclusion

in the diet and to command, for milk and dairy products, consumer attention consistent with their importance and value.

(c) Provision for payments to institutions or organizations engaged in research leading to the development of new or improved dairy products or research with respect to the value of milk and dairy products in the human diet.

(d) Provision for requiring records to be kept and reports to be filed by milk dealers with respect to milk received from producers and with respect to assessments on the milk of such producers.

(e) Provision for the auditing of the records of such milk dealers for the purpose of verifying payment of producer assessments.

(f) Provision for an advisory board as hereinafter indicated.

(g) Such other provisions as may be necessary to effectuate the declared policies of this section.

5. Matters to be considered. In carrying out the provisions of this section and particularly in determining whether or not a dairy promotion order shall be issued, the commissioner shall take into consideration, among others, facts available to them with respect to the following:

(a) The total production of milk in the area and the proportion of such milk being utilized in fluid form and in other products;

(b) The prices being received for milk by producers in the area;

(c) The level of consumption per capita for fluid milk and of other dairy products;

(d) The purchasing power of consumers; and

(e) Other products which compete with milk and dairy products and prices of such products.

6. Interstate orders for compacts. The commissioner is authorized to confer and cooperate with the legally constituted authorities of other states and of the United States with respect to the issuance and operation of joint and concurrent dairy promotion orders or other activities tending to carry out the declared intent of this section. The commissioner may join with such other authorities in conducting joint investigations, holding joint hearings, and issuing joint or concurrent order or orders complementary to those of the federal government and shall have the authority to employ or designate a joint agent or joint agencies to carry out and enforce such joint, concurrent, or supplementary orders.

7. Prior assessments. Prior to the effective date of any dairy promotion order as provided in this section, the commissioner may require that cooperatives which have petitioned for such an order and who have approved of the issuance of such an order, to deposit with the commissioner such amounts as the commissioner may deem necessary to defray the expense of administering and enforcing such order until such time as the assessments as herein before provided are adequate for that purpose. Such funds shall be received, deposited, and disbursed by the commissioner in the same manner as other funds received pursuant to this section and the commissioner shall reimburse those who paid these prior assessments from other funds received pursuant to this section.

8. Status of funds. Any moneys collected under any market order issued pursuant to this section shall not be deemed to be state funds and shall be deposited in a bank or other depository in this state, approved by the commissioner and the state comptroller, allocated to each dairy promotion order under which they were collected, and shall be disbursed by the commissioner only for the necessary expenses incurred by the commissioner with respect to each separate order, all in accordance with the rules and regulations of the commissioner. All such expenses shall

be audited by the state comptroller at least annually and within thirty days after the completion thereof the state comptroller shall give a copy thereof to the commissioner. Any moneys remaining in such fund allocable to a particular order, after the termination of such order and not required by the commissioner to defray the expenses of operating such order, may in the discretion of the commissioner be refunded on a pro-rata basis to all persons from whom assessments therefor were collected; provided, however, that if the commissioner finds that the amounts so refundable are so small as to make impracticable the computation and refunding of such moneys, the commissioner may use such moneys to defray the expenses incurred by them in the promulgation, issuance, administration or enforcement of any other similar dairy promotion order or in the absence of any other such dairy promotion order, the commissioner may pay such moneys to any organization or institution as provided in paragraph (b) or (c) of subdivision four of this section.

9. Budget. The commissioner shall prepare a budget for the administration and operating costs and expenses including advertising and sales promotion when required in any dairy promotion order executed hereunder and to provide for the collection of such necessary fees or assessments to defray costs and expenses, in no case to exceed two percent per hundredweight of the gross value of milk marketed by producers in the area covered by the order.

10. Advisory board. (a) Any dairy promotion order issued pursuant to this section shall provide for the establishment of an advisory board to advise and assist the commissioner in the administration of such order. This board shall consist of not less than five members and shall be appointed by the commissioner from nominations submitted by producers marketing milk in the area to which the order applies. Nominating procedure, qualification, representation, and size of the advisory board shall be prescribed in the order for which such board was appointed.

(b) No member of an advisory board shall receive a salary but shall be entitled to reimbursement of the member's actual and reasonable expenses incurred while performing such member's duties as authorized herein.

(c) The duties and responsibilities of the advisory board shall be prescribed by the commissioner, and the commissioner may specifically delegate to the advisory board, by inclusion in the dairy promotion order, all or any of the following duties and responsibilities:

(i) The recommendation to the commissioner of administrative rules and regulations relating to the order.

(ii) Recommending to the commissioner such amendments to the order as seems advisable.

(iii) The preparation and submission to the commissioner of an estimated budget required for the proper operation of the order.

(iv) Recommending to the commissioner methods for assessing producers and methods for collecting the necessary funds.

(v) Assisting the commissioner in the collection and assembly of information and data necessary for the proper administration of the order.

(vi) The performance of such other duties in connection with the order as the commissioner shall designate.

11. Rules and regulations enforcement. (a) The commissioner may, with the advice and assistance of the advisory board, make and issue such rules and regulations as may be necessary to effectuate the provisions and intent of this section and to enforce the provisions of any dairy promotion order, all of which shall have the force and effect of law.

(b) The commissioner may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this section, or any rule or regulation, or dairy promotion order committed to the commissioner's administration, and in addition to any other remedy under article three of this chapter or otherwise, may apply for relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist. Such application shall be made to the supreme court in any district or county provided in the civil practice law or rules, or to the supreme court in the third judicial district.

§ 2. The agriculture and markets law is amended by adding a new article 25 to read as follows:

ARTICLE 25
MARKETING OF AGRICULTURAL PRODUCTS

Section 291. Legislative declaration.
292. Definitions.
293. Powers and duties of the commissioner.
294. Rules and regulations; enforcement.

§ 291. Legislative declaration. It is hereby declared that the marketing of agricultural commodities and aquatic products in this state, in excess of reasonable and normal market demands therefor; disorderly marketing of such commodities; improper preparation for market and lack of uniform grading and classification of agricultural commodities and aquatic products; unfair methods of competition in the marketing of such commodities and the inability of individual producers to develop new and larger markets for agricultural commodities and aquatic products, result in an unreasonable and unnecessary economic waste of the agricultural wealth of this state. Such conditions and the accompanying waste jeopardize the future continued production of adequate food supplies for the people of this and other states. These conditions vitally concern the health, safety, and general welfare of the people of this state. It is therefore declared the legislative purpose and the policy of this state:

1. To enable agricultural producers and aquatic producers of this state, with the aid of the state, more effectively to correlate the marketing of their agricultural commodities and aquatic products with market demands therefor.

2. To establish orderly, efficient, and equitable marketing of agricultural commodities and aquatic products.

3. To provide for uniform grading and proper preparation of agricultural commodities and aquatic products for market.

4. To provide methods and means for the development of new and larger markets for agricultural commodities and aquatic products produced in New York.

5. To eliminate or reduce the economic waste in the marketing of agricultural commodities and aquatic products.

6. To eliminate unjust impairment of the purchasing power of aquatic producers and the agricultural producers of this state.

7. To aid agricultural and aquatic producers in maintaining an income at an adequate and equitable level.

§ 292. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Agricultural commodity" means any and all agricultural, horticultural, vineyard products, corn for grain, oats, soybeans, barley, wheat, poultry or poultry products, bees, maple sap and pure maple products produced therefrom, Christmas trees, livestock, including swine, and honey, sold in the state either in their natural state or as processed

by the producer thereof but does not include milk, timber or timber products, other than Christmas trees, all hay, rye and legumes except for soybeans.

2. "Aquaculture" means the culture, cultivation and harvest of aquatic plants and animals.

3. "Aquatic products" means any food or fiber products obtained through the practice of aquaculture, including mariculture; or by harvest from the sea when such products are cultured or landed in New York state. Such products include but are not limited to fish, shellfish, seaweed, or other water-based plant life.

4. "Producer" means any person engaged within this state in the business of producing, or causing to be produced for any market, any agricultural commodity or aquatic product.

5. "Handler" means any person engaged in the operation of packing, grading, selling, offering for sale, or marketing any marketable agricultural commodities or aquatic products, who as owner, agent or otherwise ships or causes an agricultural commodity to be shipped.

6. "Processor" means any person engaged within this state in processing, or in the operation of receiving, grading, packing, canning, freezing, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing, or in any other way preserving or changing the form of an agricultural product or aquatic product for the purpose of marketing such commodity but shall not include a person engaged in manufacturing from an agricultural commodity or aquatic product another and different product.

7. "Distributor" means any person engaged within this state, in selling, offering for sale, marketing or distributing an agricultural commodity or aquatic product which they have purchased or acquired from a producer or other person or which they are marketing on behalf of a producer or other person, whether as owner, agent, employee, broker or otherwise, but shall not include a retailer, except such retailer who purchases or acquires from, or handles on behalf of any producer or other person, an agricultural commodity or aquatic product subject to regulation by the marketing agreement or order covering such commodity.

8. "Marketing agreement" means an agreement entered into, with the approval of the commissioner, by producers with distributors, processors and handlers regulating the preparation, sale and handling of agricultural commodities or aquatic products.

9. "Marketing order" means an order issued by the commissioner pursuant to this article, prescribing rules and regulations governing the marketing for processing, the distributing, the sale of, or the handling in any manner of any agricultural commodity or aquatic product sold in this state during any specified period or periods.

§ 293. Powers and duties of the commissioner. 1. In order to effectuate the declared policy of this article, the commissioner may, after due notice and opportunity for hearing, approve marketing agreements, which marketing agreements shall thereupon be binding upon the signatories thereto exclusively.

2. The commissioner may make and issue marketing orders, after due notice and opportunity for hearing, subject to:

(a) Approval of not less than sixty-six and two-thirds per centum of the producers participating in a referendum in the area affected, or

(b) Approval of not less than sixty-five per centum of the producers participating in a referendum vote, in the area affected, and having marketed not less than fifty-one per centum of the total quantity of the

commodity which was marketed in the next preceding marketing season by all producers that voted in the referendum, or

(c) Approval of not less than fifty-one per centum of the producers participating in a referendum vote, in the area affected, and having marketed not less than sixty-five per centum of the total quantity of the commodity which was marketed in the next preceding marketing season by all producers that voted in the referendum.

3. The commissioner may and upon written petition duly signed by twenty-five per centum of the producers in the area shall, amend or terminate such order after due notice and opportunity for hearing, but subject to the approval of not less than fifty per centum of such producers participating in a referendum vote.

4. The commissioner shall administer and enforce any marketing order, while it is in effect, to:

(a) Encourage and maintain stable prices received by producers for such agricultural commodity and aquatic product at a level which is consistent with the provisions and aims of this article.

(b) Prevent the unreasonable or unnecessary waste of land or water-based wealth.

(c) Protect the interests of consumers of such commodity, by exercising the powers of this article to such extent as is necessary to effectuate the purposes of this article.

(d) Prepare a budget for the administration and operating costs and expenses including advertising and sales promotion when required in any marketing agreement or order executed hereunder and to provide for the collection of such necessary fees to defray such costs and expenses, in no case to exceed five percent of the gross dollar volume of sales or dollar volume of purchases or amounts handled, to be collected from each person engaged in the production, processing, distributing or the handling of any marketable agricultural commodity and aquatic product produced or landed in this state and directly affected by any marketing order issued pursuant to this article for such commodity.

(e) Confer and cooperate with the legally constituted authorities of other states and the United States.

5. Any marketing agreement or order issued by the commissioner pursuant to this article may contain any or all of the following:

(a) Provisions for determining the existence and extent of the surplus of any agricultural commodity, or of any grade, size, or quality thereof, and providing for the regulation and disposition of such surplus.

(b) Provisions for limiting the total quantity of any agricultural product, or of any grade or grades, size or sizes, or quality or portions or combinations thereof, which may be marketed during any specified period or periods. Such total quantity of any such commodity so regulated shall not be less than the quantity which the commissioner shall find is reasonably necessary to supply the market demand of consumers for such commodity.

(c) Provisions regulating the period, or periods, during which any agricultural commodity, or any grade or grades, size or sizes or quality or portions or combinations of such commodity, may be marketed.

(d) Provisions for the establishment of uniform grading, standards, and inspection of any agricultural commodity delivered by producers or other persons to handlers, processors, distributors or others engaging in the handling thereof, and for the establishment of grading or standards of quality, condition, size, maturity or pack for any agricultural commodity, and the inspection and grading of such commodity in accordance with such grading or standards so established; and for provisions

that no producer, handler, processor or distributor of any agricultural commodity for which grading or standards are so established may, except as otherwise provided in such marketing agreement or order, sell, offer for sale, process, distribute or otherwise handle any such commodity whether produced within or without this state, not meeting and complying with such established grading or standards. For the purposes of this article, the federal-state inspection service shall perform all inspections made necessary by such provisions.

(e) Provisions for the establishment of research programs designed to benefit a specified commodity or New York agriculture in general.

(f) Such other provisions as may be necessary to effectuate the declared policies of this article.

(g) Provisions to establish marketing promotion and research programs for aquatic products which may include paragraphs (a) through (f) of this subdivision.

6. The commissioner may temporarily suspend the operation of an effective marketing order for a continuing period of no longer than one growing and marketing season, if the purposes of this article are deemed unnecessary during such season.

7. In carrying out the purposes of this article, the commissioner shall take into consideration any and all facts available to them with respect to the following economic factors:

(a) The quantity of such agricultural commodity available for distribution.

(b) The quantity of such agricultural commodity normally required by consumers.

(c) The cost of producing such agricultural commodity.

(d) The purchasing power of consumers.

(e) The level of prices of commodities, services, and articles which the farmers commonly buy.

(f) The level of prices of other commodities which compete with or are utilized as substitutes for such agricultural commodity.

8. The execution of such marketing agreements shall in no manner affect the issuance, administration or enforcement of any marketing order provided for in this article. The commissioner may issue such marketing order without executing a marketing agreement or may execute a marketing agreement without issuing a marketing order covering the same commodity. The commissioner, in their discretion, may hold a concurrent hearing upon a proposed marketing agreement and a proposed marketing order in the manner provided for giving due notice and opportunity for hearing for a marketing order as provided in this article.

9. Prior to the issuance, amendment or termination of any marketing order, the commissioner may require the applicants for such issuance, amendment, or termination to deposit with them such amount as they may deem necessary to defray the expenses of preparing and making effective amending or terminating a marketing order. Such funds shall be received, deposited, and disbursed by the commissioner in the same manner as other fees received by the commissioner under this article and, in the event the application for adoption, amendment or termination of a marketing order is approved in a referendum, the commissioner shall reimburse any such applicant in the amount of any such deposit from any unexpended monies collected under the marketing order affected by such referendum.

10. Any moneys collected by the commissioner pursuant to this article shall not be deemed state funds and shall be deposited in a bank or other depository in this state, approved by the commissioner, allocated to each marketing order under which they are collected, and shall be

disbursed by the commissioner only for the necessary expenses incurred by the commissioner with respect to each such separate marketing order, all in accordance with the rules and regulations of the commissioner. All such expenditures shall be audited by the state comptroller at least annually and within thirty days after the completion thereof the state comptroller shall give a copy thereof to the commissioner. Any moneys remaining in such fund allocable to any particular commodity affected by a marketing order may, in the discretion of the commissioner, be refunded at the close of any marketing season upon a pro-rata basis to all persons from whom assessments therefor were collected or, whenever the commissioner finds that such moneys may be necessary to defray the cost of operating such marketing order in a succeeding marketing season, they may carry over all or any portion of such moneys into the next such succeeding season. Upon the termination by the commissioner of any marketing order, all moneys remaining and not required by the commissioner to defray the expenses of operating such marketing order, shall be refunded by the commissioner upon a pro-rata basis to all persons from whom assessments therefor were collected; provided, however, that if the commissioner finds that the amounts so refundable are so small as to make impracticable the computation and refunding of such refunds, the commissioner may use such moneys to defray the expenses incurred by the commissioner in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity.

11. Advisory board. (a) Any marketing order issued pursuant to this article shall provide for the establishment of an advisory board, to consist of not less than five members nor more than nine members, to advise the commissioner in the administration of such marketing order in accordance with its terms and provisions. The members of such board shall be appointed by the commissioner from nominations received from the commodity group for which the marketing order is established. Nominating procedure, qualification, representation, and size of the advisory board shall be prescribed in each marketing order for which such board is appointed. Each advisory board shall be composed of such producers and handlers or processors as are directly affected by the marketing order in such proportion of representation as the order shall prescribe. The commissioner may appoint one person who is neither a producer nor processor nor other handler to represent the department of agriculture and markets or the public generally.

(b) No member of an advisory board shall receive a salary, but each shall be entitled to reimbursement for the member's actual expenses incurred while engaged in performing the member's duties herein authorized.

(c) The duties and responsibilities of each advisory board shall be prescribed by the commissioner, and they may specifically delegate to the advisory board, by inclusion in the marketing order, all or any of the following duties and responsibilities:

(i) The recommendation to the commissioner of administrative rules and regulations relating to the marketing order.

(ii) Recommending to the commissioner such amendments to the marketing order as seem advisable.

(iii) The preparation and submission to the commissioner of the estimated budget required or the proper operation of the marketing order.

(iv) Recommending to the commissioner methods for assessing members of the industry and methods for collecting the necessary funds.

(v) Assisting the commissioner in the collection and assembling of information and data necessary to the proper administration of the order.

(vi) The performance of such other duties in connection with the marketing order as the commissioner shall designate.

§ 294. Rules and regulations; enforcement. 1. The commissioner may make and promulgate such rules and regulations as may be necessary to effectuate the provisions and intent of this article and to enforce the provision of any marketing agreement or order, all of which shall have the force and effect of law.

2. The commissioner may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this article, or any rule or regulation, marketing agreement or order, committed to the commissioner's administration, and in addition to any other remedy under article three of this chapter or otherwise may apply for relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist. Such application may be made to the supreme court in any district or county as provided in the civil practice law and rules, or to the supreme court in the third judicial district.

§ 3. Sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, are REPEALED.

§ 4. Notwithstanding the repeal of sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act pursuant to section three of this act the marketing orders, and the regulatory provisions relating thereto, set forth under parts 40, 200, 201, 203, 204 and 205 of title 1 of the New York codes, rules and regulations, shall remain in full force and effect.

§ 5. Notwithstanding the repeal of sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act pursuant to section three of this act, all contracts entered into pursuant to such repealed sections that continue in force and effect after the effective date of this act and shall be assigned to the department of agriculture and markets, and all undisbursed funds under the control of the urban development corporation in connection with the marketing orders shall be transferred to the department of agriculture and markets on or before the forty-fifth day following the effective date of this act; and any assessments due and payable under such marketing orders shall be remitted to the department of agriculture and markets beginning upon the thirtieth day after the effective date of this act.

§ 6. This act shall take effect July 1, 2026.

PART K

Section 1. Paragraph (d) of subdivision 1 of section 210-B of the tax law, as amended by section 1 of part C of chapter 59 of the laws of 2023, is amended to read as follows:

(d) Except as otherwise provided in this paragraph, the credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the fixed dollar minimum amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowable under this subdivision for any taxable year reduces the tax to such amount or if the

taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven and not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years but in no event shall such credit be carried over to taxable years commencing on or after January first, two thousand two, and any amount of credit allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the fifteen taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of such carryover, (i) any such taxpayer which qualifies as a new business under paragraph (f) of this subdivision may elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section ten hundred eighty-six of this chapter, and (ii) any such taxpayer that is an eligible farmer, as defined in subdivision eleven of this section, may for taxable years beginning before January first, two thousand [~~twenty-eight~~] **thirty-three**, elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter, provided, however, the provisions of subsection (c) of section ten hundred eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

§ 2. Paragraph 5 of subsection (a) of section 606 of the tax law, as amended by section 2 of part C of chapter 59 of the laws of 2023, is amended to read as follows:

(5) If the amount of credit allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years, but in no event shall such credit be carried over to taxable years commencing on or after January first, nineteen hundred ninety-seven, and any amount of credit allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the ten taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of carrying over any such excess, (A) a taxpayer who qualifies as an owner of a new business for purposes of paragraph ten of this subsection may, at the taxpayer's option, receive such excess as a refund, and (B) a taxpayer that is an eligible farmer as defined in subsection (n) of this section may, at the taxpayer's option, for taxable years beginning before January first, two thousand [~~twenty-eight~~] **thirty-three,** receive such excess as a refund. Any refund paid pursuant to this paragraph shall be deemed to be a refund of an overpayment of tax as provided in section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 3. This act shall take effect immediately.

PART L

Section 1. Subparagraph (ii) of paragraph (b) of subdivision 2 of section 1896 of the public authorities law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

(ii) loans shall not exceed thirteen thousand dollars per applicant for approved qualified energy efficiency services for residential struc-

tures, and twenty-six thousand dollars per applicant for approved qualified energy efficiency services for non-residential structures, provided, however, that the authority may permit a loan in excess of such amounts if the total cost of energy efficiency measures financed by such loan will [~~achieve~~] include a payback period [~~of fifteen years or less~~] which does not exceed the useful life of the energy efficiency measures installed, but in no event shall any such loan exceed [~~twenty-five~~] fifty thousand dollars per applicant for residential structures and fifty thousand dollars per applicant for non-residential structures; and for multi-family structures loans shall be in amounts determined by the authority, provided, however, that the authority shall assure that a significant number of residential structures are included in the program;

§ 2. Paragraph (a) of subdivision 5 of section 1896 of the public authorities law, as added by section 1 of part DD of chapter 58 of the laws of 2012, is amended to read as follows:

(a) For each loan issued for qualified energy efficiency services that is to be repaid through an on-bill recovery mechanism[~~, the New York state energy research and development authority shall record, pursuant to article nine of the real property law, in the office of the appropriate recording officer, a declaration with respect to the property improved by such services of the existence of the loan and stating the total amount of the loan, the term of the loan, and that the loan is being repaid~~] through a charge on an electric or gas meter associated with the property, the on-bill recovery loan agreement shall allow for the purchaser or transferee to agree through written express assumption provided in accordance with the terms of the on-bill recovery loan that they are responsible for future on-bill recovery charges, and in the absence of such written express assumption, the original seller, transferor, or current loan holder of the subject property shall continue to be responsible for payment of such remaining charges through direct billing and payment to the authority, or its agent. [~~The declaration shall further state that it is being filed pursuant to this section and, unless fully satisfied prior to sale or transfer of the property, the loan repayment utility meter charge shall survive changes in ownership, tenancy, or meter account responsibility and, until fully satisfied, shall constitute the obligation of the person responsible for the meter account. Such declaration shall not constitute a mortgage and shall not create any security interest or lien on the property. Upon satisfaction of the loan, the authority shall file a declaration of repayment pursuant to article nine of the real property law.~~]

§ 3. Paragraph (d) of subdivision 2 of section 66-m of the public service law, as added by chapter 388 of the laws of 2011, is amended to read as follows:

(d) unless fully satisfied prior to sale or transfer, that (i) the on-bill recovery charges for any services provided at the customer's premises shall survive changes in ownership, tenancy or meter account responsibility if the New York state energy research and development authority shall have recorded a declaration pursuant to article nine of the real property law with respect to such property for the existence of an on-bill recovery loan, and (ii) that arrears in on-bill recovery charges at the time of account closure or meter transfer shall remain the responsibility of the incurring customer, unless expressly assumed by a subsequent purchaser of the property subject to such charges;

§ 4. Paragraph (a) of subdivision 4 of section 242 of the real property law, as added by chapter 388 of the laws of 2011, is amended to read as follows:

(a) Any person, firm, company, partnership or corporation offering to sell real property which is subject to a green jobs-green New York on-bill recovery charge pursuant to title nine-A of article eight of the public authorities law **and which provides that such charge shall survive changes in ownership, tenancy or meter account responsibility if not fully satisfied prior to sale or transfer,** shall provide written notice to the prospective purchaser or the prospective purchaser's agent, stating as follows: "This property is subject to a green jobs-green New York on-bill recovery charge". Such notice shall also state the total amount of the original charge, the payment schedule and the approximate remaining balance, a description of the energy efficiency services performed, including improvements to the property, and an explanation of the benefit of the green jobs-green New York qualified energy efficiency services. Such notice shall be provided by the seller prior to accepting a purchase offer**; provided that such notice is not necessary if the loan agreement provides that upon sale or transfer of the subject property the purchaser or transferee is only responsible for on-bill recovery charges after sale or transfer if they agree through written express assumption provided in accordance with the terms of the on-bill recovery loan agreement, and in the absence of such assumption, the original seller, transferor, or current loan holder of the subject property shall be responsible for payment of such remaining charges through direct billing and payment to the New York state energy research and development authority, or its agent**.

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

PART M

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, and the Fuel NY program shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed $28,725,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of $500,000 in the preceding calendar year, and the total amount assessed shall be allocated to each electric corporation and gas corporation in proportion to its intrastate electricity and gas revenues in the calendar year 2024. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2026 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2026. Upon receipt, the New York state energy research and development authority shall deposit such funds in the energy research and development operating fund established pursuant to section 1859 of the public authorities law. The New

York state energy research and development authority is authorized and directed to provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or such chief executive officer's designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. The authority shall not commit for any expenditure, any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees. Any such amount not committed by such authority to contracts or contracts to be awarded or otherwise expended by the authority during the fiscal year shall be refunded by such authority on a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service, and any refund amounts must be explicitly lined out in the itemized record described above.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2026.

PART N

Section 1. Subdivision 12 of section 66 of the public services law is amended by adding two new paragraphs (n) and (o) to read as follows:

(n) The commission shall require each application for a major change in rates filed by a gas corporation or an electric corporation to include an executive compensation disclosure. Such executive compensation disclosure shall include: (i) the median of the annual total compensation of all employees of the gas corporation or electric corporation, except the chief executive officer; (ii) the annual total compensation of the chief executive officer; and (iii) the ratio of the amount described in subparagraph (i) of this paragraph to the amount described in subparagraph (ii) of this paragraph. The commission shall develop performance-based targets that tie compensation for the chief executive officer and other management positions and ratepayer-funded incentive compensation programs to the energy affordability index developed pursuant to section sixty-six-x of this article and shall consider adjustments to the corporation's return on equity based on such metric.

(o) The commission shall require each application for a major change in rates filed by a gas corporation or an electric corporation to include, in addition to the corporation's recommended proposal, a budget constrained proposal that separately addresses operating expenses, capital expenditures, and programmatic or policy expenditures. Such budget constrained proposal shall not increase the applicant's aggregate revenues by more than the annual consumer price index increases over prior years. In the event a rate plan is established based on a budget constrained proposal, the commission shall require the corporation to

track expenditures and outcomes and explain all meaningful deviations from the approved rate plan.

§ 2. Subdivision 10 of section 80 of the public service law is amended by adding two new paragraphs (h) and (i) to read as follows:

(h) The commission shall require each application for a major change in rates filed by a steam corporation to include an executive compensation disclosure. Such executive compensation disclosure shall include: (i) the median of the annual total compensation of all employees of the steam corporation, except the chief executive officer; (ii) the annual total compensation of the chief executive officer; and (iii) the ratio of the amount described in subparagraph (i) of this paragraph to the amount described in subparagraph (ii) of this paragraph.

(i) The commission shall require each application for a major change in rates filed by a steam corporation to include, in addition to the corporation's recommended proposal, a budget constrained proposal that separately addresses operating expenses, capital expenditures, and programmatic or policy expenditures. Such budget constrained proposal shall not increase the applicant's aggregate revenues by more than the annual consumer price index increases over prior years. In the event a rate plan is established based on a budget constrained proposal, the commission shall require the corporation to track expenditures and outcomes and explain all meaningful deviations from the approved rate plan.

§ 3. Subdivision 10 of section 89-c of the public service law is amended by adding two new paragraphs (j) and (k) to read as follows:

(j) The commission shall require each application for a major change in rates filed by a water-works corporation to include an executive compensation disclosure. Such executive compensation disclosure shall include: (i) the median of the annual total compensation of all employees of the water-works corporation, except the chief executive officer; (ii) the annual total compensation of the chief executive officer; and (iii) the ratio of the amount described in subparagraph (i) of this paragraph to the amount described in subparagraph (ii) of this paragraph.

(k) The commission shall require each application for a major change in rates filed by a water-works corporation to include, in addition to the corporation's recommended proposal, a budget constrained proposal that separately addresses operating expenses, capital expenditures, and programmatic or policy expenditures. Such budget constrained proposal shall not increase the applicant's aggregate revenues by more than the annual consumer price index increases over prior years. In the event a rate plan is established based on a budget constrained proposal, the commission shall require the corporation to track expenditures and outcomes and explain all meaningful deviations from the approved rate plan.

§ 4. Within 180 days from the effective date of this act, the public service commission shall issue a review of the standards and procedures used to ensure that inappropriate utility expenses, including certain classes of advertising and legal fees and any fines or penalties imposed on the utility, are not charged to ratepayers.

§ 5. This act shall take effect January 1, 2027. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART O

Section 1. Paragraph (f) of subdivision 12 of section 66 of the public service law, as amended by chapter 154 of the laws of 1989, is amended to read as follows:

(f) Whenever there shall be filed with the commission by any utility any schedule stating a new rate or charge, or any change in any form of contract or agreement or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, the commission may, at any time within sixty days from the date when such schedule would or has become effective, either upon complaint or upon its own initiative, and, if it so orders, without answer or other formal pleading by the utility, but upon reasonable notice, hold a hearing concerning the propriety of a change proposed by the filing. If such change is a major change, the commission shall hold such a hearing. Pending such hearing and decision thereon, the commission, upon filing with such schedule and delivering to the utility, a statement in writing of its reasons therefor, may suspend the operation of such schedule, but not for a longer period than [~~one hundred and twenty days~~] **fourteen months** beyond the time when it would otherwise go into effect. After full hearing, whether completed before or after the schedule goes into effect, the commission may make such order in reference thereto as would be proper in a proceeding begun after the rate, charge, form of contract or agreement, rule, regulation, service, general privilege or facility had become effective. [~~If any such hearing cannot be concluded within the period of suspension as above stated, the commission may extend the suspension for a further period, not exceeding six months.~~] **The commission may, in the exercise of its discretion, establish a multiyear rate plan that sets rates on an annual basis for a period not to exceed two years. Following the establishment of a multiyear rate plan, a utility shall not file for a further change, other than a de minimis change, in any rate or charge to become effective during the established rate plan period. Notwithstanding the previous sentence, if, during a multiyear rate plan period, the commission determines in the exercise of its discretion that a circumstance has arisen that meaningfully threatens a utility's economic viability or the utility's ability to provide safe, adequate, and reliable service, then a utility may file a proposal for a further change in a rate or charge to be effective prior to the end of the multiyear rate plan period. The utility shall support any request for such commission determination through sworn statements and verified, accurate exhibits, and the burden of proof in such a scenario shall remain on the utility. The commission may provide an opportunity for department staff, local governmental entities, and others to respond to the utility's request.**

§ 2. Paragraph (f) of subdivision 10 of section 80 of the public service law, as amended by chapter 154 of the laws of 1989, is amended to read as follows:

(f) Whenever there shall be filed with the commission by any utility any schedule stating a new rate or charge, or any change in any form of contract or agreement or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, the commission may, at any time within sixty days from the date when such schedule would or has become effective, either upon complaint or upon its own initiative, and, if it so orders, without answer or other formal pleading by the utility, but upon reasonable notice, hold a hearing concerning the propriety of a change proposed by the filing. If such change is a major change, the commission shall hold such a hearing. Pending such hearing and decision thereon the commission, upon filing with such sche-

dule and delivering to the utility, a statement in writing of its reasons therefor, may suspend the operation of such schedule, but not for a longer period than [~~one hundred and twenty days~~] **fourteen months** beyond the time when it would otherwise go into effect. After full hearing, whether completed before or after the schedule goes into effect, the commission may make such order in reference thereto as would be proper in a proceeding begun after the rate, charge, form of contract or agreement, rule, regulation, service, general privilege or facility had become effective. [~~If such hearing cannot be concluded within the period of suspension as above stated, the commission may extend the suspension for a further period not exceeding six months.~~] **The commission may, in the exercise of its discretion, establish a multiyear rate plan that sets rates on an annual basis for a period not to exceed two years. Following the establishment of a multiyear rate plan, a utility shall not file for a further change, other than a de minimis change, in any rate or charge to become effective during the established rate plan period. Notwithstanding the previous sentence, if, during a multiyear rate plan period, the commission determines in the exercise of its discretion that a circumstance has arisen that meaningfully threatens a utility's economic viability or the utility's ability to provide safe, adequate, and reliable service, then a utility may file a proposal for a further change in a rate or charge to be effective prior to the end of the multiyear rate plan period. The utility shall support any request for such commission determination through sworn statements and verified, accurate exhibits, and the burden of proof in such a scenario shall remain on the utility. The commission may provide an opportunity for department staff, local governmental entities, and others to respond to the utility's request.**

§ 3. Paragraph (f) of subdivision 10 of section 89-c of the public service law, as amended by chapter 154 of the laws of 1989, is amended to read as follows:

(f) Whenever there shall be filed with the commission by any waterworks corporation any schedule stating a new rate or charge, or any change in any form of contract or agreement or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, the commission may, at any time within sixty days from the date when such schedule would or has become effective, either upon complaint or upon its own initiative, and, if it so orders, without answer or other formal pleading by the interested corporation, but upon reasonable notice, hold a hearing concerning the propriety of a change proposed by the filing. If such change is a major change, the commission shall hold such a hearing. Pending such hearing and decision thereon, the commission, upon filing with such schedule and delivering to the corporation affected thereby a statement in writing of its reasons therefor, may suspend the operation of such schedule, but not for a longer period than [~~one hundred and twenty days~~] **fourteen months** beyond the time when it would otherwise go into effect. After a full hearing, whether completed before or after the schedule goes into effect, the commission may make such order in reference thereto as would be proper in a proceeding begun after the rate, charge, form of contract or agreement, rule, regulation, service, general privilege or facility had become effective. [~~If any such hearing cannot be concluded within the period of suspension as above stated, the commission may extend the suspension for a further period not exceeding six months.~~] **The commission may, in the exercise of its discretion, establish a multiyear rate plan that sets rates on an annual basis for a period not to exceed two**

years. Following the establishment of a multiyear rate plan, a utility shall not file for a further change, other than a de minimis change, in any rate or charge to become effective during the established rate plan period. Notwithstanding the previous sentence, if, during a multiyear rate plan period, the commission determines in the exercise of its discretion that a circumstance has arisen that meaningfully threatens a utility's economic viability or the utility's ability to provide safe, adequate, and reliable service, then a utility may file a proposal for a further change in a rate or charge to be effective prior to the end of the multiyear rate plan period. The utility shall support any request for such commission determination through sworn statements and verified, accurate exhibits, and the burden of proof in such a scenario shall remain on the utility. The commission may provide an opportunity for department staff, local governmental entities, and others to respond to the utility's request.

§ 4. This act shall take effect immediately and shall apply to any proposed change in rates filed on or after January 1, 2027.

PART P

Section 1. The public service law is amended by adding a new section 66-x to read as follows:

§ 66-x. Energy affordability index. 1. Beginning January first, two thousand twenty-seven, the commission shall require each gas corporation and electric corporation to submit an annual affordability index showing the energy burden of such corporation's residential customers. The commission shall promulgate rules and regulations adopting a methodology for gas corporations and electric corporations to calculate an affordability index.

2. On or before June first, two thousand twenty-seven, and annually thereafter, the commission shall issue a report on energy affordability that includes a comparison of the affordability of residential utility service provided by each gas corporation and electric corporation in New York state to affordability data from other states as reported by the United States energy information administration.

§ 2. Subdivision 12 of section 66 of the public service law is amended by adding a new paragraph (p) to read as follows:

(p) The commission shall require each application for a major change in rates filed by a gas corporation or an electric corporation to include an affordability index that shows the energy burden of such corporation's residential customers at the time of filing and what the energy burden would be following the corporation's proposed change in rates, as calculated using the methodology adopted by the commission pursuant to section sixty-six-x of this article.

§ 3. Section 66 of the public service law is amended by adding a new subdivision 33 to read as follows:

33. Following any commission decision that establishes a change in rates that results in an energy burden greater than three percent for residential electric service or greater than three percent for residential gas service, have power to install an independent affordability monitor inside any gas corporation or electric corporation for a time period determined by the commission but for no less than one year. In every case in which the commission chooses to install an affordability monitor, it shall have authority to select the monitor, and to require the electric corporation, gas corporation, or electric and gas corporation being monitored to enter into a contract with the monitor to pay

for the monitor's services at such corporation's expense. Such contract shall provide further that the monitor shall work for and under the direction of the commission according to such terms as the commission may determine are necessary and reasonable. Such affordability monitor shall have power to examine the accounts, books, contracts, records, documents and papers of the corporation and shall have full access to management meetings in order to review utility operations and expenditures. The affordability monitor shall report to the commission the primary cost drivers that caused the energy burden to rise more than three percent, and any opportunities for cost savings.

§ 4. This act shall take effect January 1, 2027. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART Q

Section 1. Subdivision 1 of section 235-a of the real property law, as amended by chapter 143 of the laws of 2020, is amended to read as follows:

1. In any case in which a residential tenant shall lawfully make a payment to a utility company pursuant to the provisions of [~~sections thirty-three,~~] section thirty-four [~~and one hundred sixteen~~] of the public service law, or to a utility company as defined in subdivision twenty-three of section two of the public service law, public authority, water-works corporation, as defined in subdivision twenty-seven of section two of the public service law, or municipal water system, as prescribed in section eighty-nine-l of the public service law, for water service which a landlord is responsible for but has failed or refused to provide payment therefor, such payment shall be deductible from any future payment of rent.

§ 2. Section 33 of the public service law, as added by chapter 713 of the laws of 1981, paragraphs (c) and (d) of subdivision 1 as amended by chapter 195 of the laws of 2010, is amended to read as follows:

§ 33. Discontinuance of residential utility service to multiple dwellings. 1. Notwithstanding any other provisions of law, no public utility company or municipality shall discontinue gas, electric or steam service to an entire multiple dwelling (as defined in the multiple dwelling law or the multiple residence law) located anywhere in this state for nonpayment of bills rendered for service [~~unless such~~]. A public utility company or municipality may commence an action against the owner of the premises affected seeking a lien against such multiple dwelling for the amount of such utility bills. A utility shall have given fifteen days written notice of its intention so to [~~discontinue~~] seek such lien as follows:

(a) Such notice shall be served personally on the owner of the premises affected, or in lieu thereof, to the person, firm, or corporation to whom or which the last preceding bill has been rendered and from whom or which the utility has received payment therefor, and to the superintendent or other person in charge of the building or premises affected, if it can be readily ascertained that there is such superintendent or other person in charge.

(b) In lieu of personal delivery to the person or persons, firm or corporation specified in paragraph (a) [~~above~~] of this subdivision, such notice may be mailed in a postpaid wrapper to the address of such person or persons, firm or corporation.

(c) In addition to the notice prescribed by paragraph (a) or (b) of this subdivision, fifteen days written notice shall be (i) posted in the public areas of such multiple dwelling, (ii) mailed to the "Occupant" of each unit in that multiple dwelling, (iii) mailed to the local health officer and the director of the social services district for the political subdivision in which the multiple dwelling is located, (iv) if the multiple dwelling is located in a city or a village, mailed to the mayor thereof, or if there be none, to the manager, or, if the multiple dwelling is located in a town, then mailed to the town supervisor, (v) mailed to the county executive of the county in which the multiple dwelling is located, or if there be none, then to the [~~chairman~~] **chairperson** of such county's legislative body, and (vi) mailed to the office of the New York state long term care ombudsman, if the multiple dwelling is a residential health care facility as defined in subdivision three of section twenty-eight hundred one of the public health law, an adult care facility as defined in subdivision twenty-one of section two of the social services law, or an assisted living residence as defined in subdivision one of section forty-six hundred fifty-one of the public health law as added by chapter two of the laws of two thousand four. Notice required by subparagraphs (iv) and (v) of this paragraph may be mailed to the persons specified therein or to their respective designees. The notice required by this paragraph shall state [~~the intended date of discontinuance of service,~~] the amount due for such service, and [~~the procedure by which any tenant or public agency may make such payment and thereby avoid discontinuance of service~~] **that the utility will not discontinue service and shall seek a lien against the owner**.

[~~(d) The written notice required by subparagraphs (iii), (iv), (v) and (vi) of paragraph (c) of this subdivision shall be repeated not more than four days nor less than two days prior to such discontinuance.~~

~~1-a. Whenever a notice of intention to discontinue utility service has been made pursuant to the provisions of this section and obligations owed the utility or municipality have been satisfied, the utility or municipality shall notify, in the same manner as it gave such notice of intention, the occupant of each unit that the intention to discontinue utility service no longer exists.~~]

2. For the purposes of this section, the department charged with enforcing the multiple dwelling law shall prepare a schedule of all multiple dwellings within its jurisdiction and shall provide a copy of such schedule to any gas, steam or electric corporation or municipality subject to the provisions of this section. Such schedule shall be revised semi-annually and a revised copy provided to such corporation. Every county, and every municipality to which the multiple dwelling law does not apply, which county or municipality has compiled or hereafter may compile a listing of all multiple dwellings within its jurisdiction shall make such listing available without charge to any gas, steam or electric corporation providing service in such county or municipality.

3. [~~Any gas, electric or steam corporation or municipality which willfully fails to comply with the provisions of this section shall be liable for a penalty of twenty-five dollars for each occupied unit of the multiple dwelling for each day during which service is unlawfully discontinued; provided, however, that when the only non-compliance with this section is failure to mail notice to each "Occupant" as required by clause (ii) of paragraph (c) of subdivision one above the penalty shall be twenty-five dollars for each occupied unit of the multiple dwelling to which notice was not mailed for each day during which service is unlawfully discontinued. An action to recover a penalty under this~~

~~section may be brought by the counsel to the commission in any court of competent jurisdiction in this state in the name of the people of the state of New York. Any moneys recovered in such action shall be paid to the state treasury to the credit of the general fund.~~

~~4.~~] Any person who willfully interferes with the posting of the notice specified in [~~clause~~] **subparagraph** (i) of paragraph (c) of subdivision one [~~above~~] **of this section** by any gas, steam or electric corporation or municipality, willfully defaces or mutilates any such notice, or willfully removes the same from the place where it is posted by such company prior to the date specified therein for the discontinuance of service shall be guilty of a violation and, upon conviction, shall be punished by a fine not exceeding twenty-five dollars.

[~~5. The commission shall maintain rules and regulations for the payment by tenants of utility bills for gas, electric or steam service in a multiple dwelling to which this section applies where the owner of any such multiple dwelling, or the person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility or municipality has received payment therefor, has failed to pay such utility bills. Such rules and regulations shall (a) provide that utility service may not be discontinued to any such multiple dwelling as long as the tenants continue to make timely payments in accordance with established procedures; (b) include designation of an office to advise tenants of the rights and procedures available pursuant to such rules and regulations; (c) assure that tenants shall not be liable for bills more than two months in arrears; and (d) require the commission upon petition of twenty-five percent of the tenants of such multiple dwelling to meet with representatives of such tenants and the owner, person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility has received payment therefor.~~]

§ 3. Section 116 of the public service law, as amended by chapter 713 of the laws of 1981, subdivision 5 as separately amended by chapter 511 of the laws of 1981, is amended to read as follows:

§ 116. Discontinuance of water service to multiple dwellings. 1. Notwithstanding any other provisions of law, no public utility company shall discontinue water service to an entire multiple dwelling (as defined in the multiple dwelling law or the multiple residence law) located anywhere in this state for nonpayment of bills rendered for service [~~unless such~~]**. A public utility company or municipality may commence an action against the owner of the premises affected seeking a lien against such multiple dwelling for the amount of such utility bills. A** utility shall have given fifteen days' written notice of its intention so to [~~discontinue~~] **seek such lien** as follows:

(a) Such notice shall be served personally on the owner of the premises affected, or in lieu thereof, to the person, firm, or corporation to whom or which the last preceding bill has been rendered and from whom or which the utility has received payment therefor, and to the superintendent or other person in charge of the building or premises affected, if it can be readily ascertained that there is such superintendent or other person in charge.

(b) In lieu of personal delivery to the person or persons, firm or corporation specified in **paragraph** (a) [~~above~~] **of this subdivision**, such notice may be mailed in a postpaid wrapper to the address of such person or persons, firm or corporation.

(c) In addition to the notice prescribed by **paragraph** (a) or (b) [~~above~~] **of this subdivision**, fifteen days' written notice shall be (i)

posted in the public areas of such multiple dwelling, (ii) mailed to the "Occupant" of each unit in that multiple dwelling, (iii) mailed to the local health officer and the director of the social services district for the political subdivision in which the multiple dwelling is located, (iv) if the multiple dwelling is located in a city or a village, mailed to the mayor thereof, or if there be none, to the manager, or, if the multiple dwelling is located in a town, then mailed to the town supervisor, and (v) mailed to the county executive of the county in which the multiple dwelling is located, or if there be none, then to the [~~chairman~~] **chairperson** of such county's legislative body. Notice required by **subparagraphs** (iv) and (v) of this paragraph may be mailed to the persons specified therein or to their respective designees. The notice required by this paragraph shall state the [~~intended date of discontinuance of service, the~~] amount due for such service, and [~~the procedure by which any tenant or public agency may make such payment and thereby avoid discontinuance of service~~] **that the utility will not discontinue service and shall seek a lien against the owner**.

[~~(d) The written notice required by clauses (iii), (iv) and (v) of paragraph (c) above shall be repeated not more than four days nor less than two days prior to such discontinuance.~~

~~1-a. Whenever a notice of intention to discontinue utility service has been made pursuant to the provisions of this section and obligations owed the utility have been satisfied, the utility shall notify, in the same manner as it gave such notice of intention, the occupant of each unit that the intention to discontinue utility service no longer exists.~~]

2. For the purposes of this section, the department charged with enforcing the multiple dwelling law shall prepare a schedule of all multiple dwellings within its jurisdiction and shall provide a copy of such schedule to any water corporation subject to the provisions of this section. Such schedule shall be revised semi-annually and a revised copy provided to such corporation. Every county, and every municipality to which the multiple dwelling law does not apply, which county or municipality has compiled or hereafter may compile a listing of all multiple dwellings within its jurisdiction shall make such listing available without charge to any water corporation providing service in such county or municipality.

3. [~~Any water corporation which willfully fails to comply with the provisions of this section shall be liable for a penalty of twenty-five dollars for each occupied unit of the multiple dwelling for each day during which service is unlawfully discontinued; provided, however, that when the only non-compliance with this section is failure to mail notice to each "Occupant" as required by clause (ii) of paragraph (c) of subdivision one above the penalty shall be twenty-five dollars for each occupied unit of the multiple dwelling to which notice was not mailed for each day during which service is unlawfully discontinued. An action to recover a penalty under this section may be brought by the counsel to the commission in any court of competent jurisdiction in this state in the name of the people of the state of New York. Any monies recovered in such action shall be paid to the state treasury to the credit of the general fund.~~

~~4.~~] Any person who willfully interferes with the posting of the notice specified in [~~clause~~] **subparagraph** (i) of paragraph (c) of subdivision one [~~above~~] **of this section** by any water corporation, willfully defaces or mutilates any such notice, or willfully removes the same from the place where it is posted by such company prior to the date specified

therein for the discontinuance of service shall be guilty of a violation and, upon conviction, shall be punished by a fine not exceeding twenty-five dollars.

[~~5. The commission shall maintain rules and regulations for the payment by tenants of utility bills for water service in a multiple dwelling to which this section applies where the owner of any such multiple dwelling, or the person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility has received payment therefore, has failed to pay such utility bills. Such rules and regulations shall (i) provide that utility service may not be discontinued to any such multiple dwelling as long as the tenants continue to make timely payments in accordance with established procedures; (ii) include designation of an office to advise tenants of the rights and procedures available pursuant to such rules and regulations; (iii) assure that tenants shall not be liable for bills more than two months in arrears; and (iv) require the commission upon petition of twenty-five percent of the tenants of such multiple dwelling to meet with representatives of such tenants and the owner, person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility has received payment therefore.~~]

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

PART R

Section 1. Subdivision 5 of section 8-0105 of the environmental conservation law, as amended by chapter 228 of the laws of 1976, is amended and two new subdivisions 11 and 12 are added to read as follows:

5. "Actions" do not include:

(i) enforcement proceedings or the exercise of prosecutorial discretion in determining whether or not to institute such proceedings;

(ii) official acts of a ministerial nature, involving no exercise of discretion;

(iii) maintenance or repair involving no substantial changes in [~~exsiting~~] **existing** structure or facility.

11. "Previously disturbed site" means a parcel of land that:

(i) has been developed prior to two years before the application for a permit or authorization for an action;

(ii) is substantially altered by one or more of the following uses or a combination thereof, whether currently in use, abandoned, or demolished: buildings or structures, impervious surfaces, maintained lawns or other non-vegetated maintained areas, or public infrastructure utilities;

(iii) is not located in a Federal Emergency Management Agency (FEMA) designated 100-year floodplain; and

(iv) has not been used for agricultural purposes within three of the last five years before the application for a permit or authorization for an action.

12. "Small community water system" means a public water system which serves at least five service connections used by year-round residents or regularly serves at least twenty-five year-round residents, and serves thirty-three hundred or fewer persons.

§ 2. The opening paragraph of subdivision 4 of section 8-0109 of the environmental conservation law, as amended by chapter 49 of the laws of 2023, is amended to read as follows:

As early as possible in the formulation of a proposal for an action **but not more than one year from the establishment of a lead agency**, the responsible agency shall make an initial determination as to whether an environmental impact statement need be prepared for the action. In making such determination for any proposed action the responsible agency shall consider whether such action may cause or increase a disproportionate pollution burden on a disadvantaged community that is directly or significantly indirectly affected by such action. When an action is to be carried out or approved by two or more agencies, such determination shall be made as early as possible after the designation of the lead agency.

§ 3. Subdivision 5 of section 8-0109 of the environmental conservation law is amended by adding a second undesignated paragraph to read as follows:

Notwithstanding the specified time periods established by this article, for actions involving applications for a permit or authorization, the agency shall prepare and make available the environmental impact statement within two years after the date a draft environmental impact statement is determined to be required, unless the agency extends the deadline in writing and, in consultation with an applicant and at the discretion of the agency, establishes a new deadline that provides only so much additional time as is necessary to complete the environmental impact statement, considering any changes made by the applicant to the project design after the issuance of the scoping document that result in new significant environmental impacts, or additional actions that could not have been reasonably anticipated during scoping, or the failure of an applicant to provide necessary information despite good faith effort by an agency, or delay in circumstances beyond the control of an agency or an applicant.

§ 4. Subdivision 5 of section 8-0111 of the environmental conservation law is amended by adding five new paragraphs (d), (e), (f), (g) and (h) to read as follows:

(d) Actions involving the construction of housing in cities, towns, and villages with populations of one million or more, provided that such actions meet all of the following criteria:

(i) such actions shall not involve projects that would be located within a coastal flooding area, as designated by the relevant local agency;

(ii) such actions shall not involve projects located within an area zoned exclusively for industrial uses, as designated by the relevant local agency;

(iii) for any such actions that involve projects that would include residential and non-residential uses, any such projects shall contain no more than fifty thousand square feet of non-residential uses; and

(iv) for any such actions that involve projects that meet the criteria in subparagraphs (i), (ii), and (iii) of this paragraph, any such projects shall not exceed two hundred fifty dwelling units. Provided, however, that for any such actions that involve projects located within medium- or high-density residential or medium- or high-density mixed-use districts, as designated by the relevant local agency, any such projects shall not exceed five hundred dwelling units.

(e) Actions involving construction of housing in cities, towns, and villages with populations of fewer than one million persons, provided that such actions meet all of the following criteria:

(i) such actions involve projects that shall be connected to existing community or public water and sewerage systems at the commencement of habitation;

(ii) such actions involve projects that shall be located at a previously disturbed site;

(iii) for any such actions involving mixed-use projects, any such projects shall contain no more than fifty thousand square feet of non-residential uses or twenty percent non-residential uses by gross floor area, whichever is less; and

(iv) such actions involve projects that shall not exceed one hundred dwelling units.

(f) Actions occurring at a previously disturbed site involving the following:

(i) construction of public parks that do not include performance centers, athletic stadiums, or other venues for mass gatherings;

(ii) construction of multi-use bicycle and pedestrian trails; or

(iii) construction of new or renovated childcare facilities that will be connected to existing community or public water and sewerage systems at the commencement of use.

(g) Actions involving water and wastewater infrastructure projects that meet the following criteria:

(i) replacement, rehabilitation or reconstruction of municipal water or wastewater infrastructure, in-kind and on the same site, including lead service line replacement; or

(ii) replacement, rehabilitation, upgrades or reconstruction of an existing small community water system; or

(iii) a project to provide sewer service to a disadvantaged community served by one or more inadequate sewage treatment systems that has been determined by the department not to require a permit or approval pursuant to articles fifteen, twenty-four or twenty-five of this chapter or any rules or regulations promulgated thereunder.

(h) Actions consisting of the retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure.

§ 5. Section 8-0111 of the environmental conservation law is amended by adding a new subdivision 7 to read as follows:

7. Statute of limitations. The time to commence a proceeding to review an agency determination under the provisions of this article or under the rules or regulations implementing the provisions of this article shall begin to accrue when the agency determination to approve or disapprove the action becomes final and binding upon the petitioner or the person whom the petitioner represents in law or in fact.

§ 6. Nothing contained in this act shall be interpreted or construed as modifying or affecting any authorizations, requirements, or procedures under the national historic preservation act of 1966, the New York state historic preservation act of 1980, the parks, recreation and historic preservation law, or any other state or local law governing the identification, protection, or management of historic properties, or under any rules or regulations promulgated thereunder. Nor shall anything in this act be interpreted or construed as modifying or affecting any authorizations, requirements, or procedures other than those pertaining to environmental review conducted pursuant to article 8 of the environmental conservation law and any state and local regulations promulgated thereunder.

§ 7. This act shall take effect immediately and shall apply to all pending proceedings on and after such effective date; provided, however, that actions for which a determination to require an environmental

impact statement are made prior to the effective date of this act shall not be subject to the provisions of this act.

PART S

Section 1. Subdivisions 2 and 3 of section 54-1521 of the environmental conservation law, as amended by section 1 of part CCC of chapter 55 of the laws of 2021, paragraph a of subdivision 2 and paragraph a of subdivision 3 as amended by section 1 of part CCC of chapter 58 of the laws of 2025, are amended to read as follows:

2. a. Until April 1, 2029, the commissioner, in consultation with the New York state energy research and development authority, is authorized to issue rebates until the annual allocation is exhausted to municipalities toward the cost of any eligible infrastructure projects which support the development of clean vehicles.

b. The department, in consultation with the New York state energy research and development authority, shall determine the amount of the rebate for eligible infrastructure projects[~~, provided that an applicant for such eligible infrastructure project rebate may receive a maximum rebate of two hundred fifty thousand dollars per facility, provided however that infrastructure projects that will maximize access by multiple public users who might otherwise not have access may receive a maximum of three hundred thousand dollars per facility~~].

3. a. Until April 1, 2029, the commissioner, in consultation with the New York state energy research and development authority, is authorized to issue rebates until the annual allocation is exhausted to municipalities toward the cost of eligible purchases of clean vehicles.

b. The department, in consultation with the New York state energy research and development authority, shall determine the amount of the rebate taking into consideration the electric range of the vehicle[~~, provided that a rebate of an eligible purchase shall be not less than two thousand five hundred dollars per vehicle and not more than seven thousand five hundred dollars per vehicle~~].

§ 2. This act shall take effect immediately.

PART T

Section 1. Section 2 of chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, as amended by section 1 of part V of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on July 1, [~~2026~~] 2028; provided however, that the expiration of this act shall not impair or otherwise affect any of the powers, duties, responsibilities, functions, rights or liabilities of any subsidiary duly created pursuant to subdivision twenty-five of section 1678 of the public authorities law prior to such expiration.

§ 2. This act shall take effect immediately.

PART U

Section 1. This Part enacts into law components of legislation relating to the conveyance and use of real property owned and maintained by the state university of New York and the New York state department of transportation. Each component is wholly contained within a Subpart

identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Legislative findings. The legislature finds that the state university of New York at Farmingdale ("Farmingdale") seeks to use approximately 8.7 acres of vacant land on Farmingdale's campus to build multi-purpose facilities to support housing needs and supporting amenities, fulfilling a necessary and vital public purpose. The legislature further finds that granting the trustees of the state university of New York ("trustees") the authority and power to lease and otherwise contract to make available grounds and facilities of the Farmingdale campus will ensure such land is utilized for the benefit of Farmingdale, the surrounding community, and the general public.

§ 2. Notwithstanding any other law to the contrary, the trustees are authorized and empowered, without any public bidding, to lease and otherwise contract to make available to Farmingdale state development corporation, a not-for-profit corporation (the "ground lessee"), a portion of the lands of Farmingdale generally described in this act for the purpose of developing, constructing, maintaining and operating multi-purpose facilities to support housing needs and supporting amenities. Such lease or contract shall be for a period not exceeding ninety-nine years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate, and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease. Any and all proceeds related to the leases authorized by this act shall be used for the benefit of the Farmingdale campus and the allocation of such proceeds shall be subject to approval by the trustees.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

§ 4. Notwithstanding any general, special or local law or judicial decision to the contrary, all work performed on a project authorized by this act where all or any portion thereof involves a lease or agreement for construction, demolition, reconstruction, excavation, rehabili-

tation, repair, renovation, alteration or improvement shall be subject to and performed in accordance with the provisions of article 8 of the labor law to the same extent and in the same manner as a contract of the state.

§ 5. Without limiting the determination of the terms and conditions of such contracts or leases, such terms and conditions may provide for leasing, subleasing, construction, reconstruction, rehabilitation, improvement, operation and management of and provision of services and assistance and the granting of licenses, easements and other arrangements with regard to such grounds and facilities by Farmingdale state development corporation, and parties contracting with Farmingdale state development corporation, and in connection with such activities, the obtaining of funding or financing, whether public or private, unsecured or secured, including, but not limited to, secured by leasehold mortgages and assignments of rents and leases, by Farmingdale state development corporation and parties contracting with Farmingdale state development corporation for the purposes of completing the project described in this act.

§ 6. Such lease shall include an indemnity provision whereby the lessee or sublessee promises to indemnify, hold harmless and defend the lessor against all claims, suits, actions, and liability to all persons on the leased premises, including tenant, tenant's agents, contractors, subcontractors, employees, customers, guests, licensees, invitees and members of the public, for damage to any such person's property, whether real or personal, or for personal injuries arising out of tenant's use or occupation of the demised premises.

§ 7. Any contracts entered into pursuant to this act between the ground lessee and parties contracting with the ground lessee shall be awarded by a competitive process.

§ 8. The property authorized by this act to be leased to Farmingdale state development corporation is generally described as that parcel of real property with improvements thereon consisting of a total of 8.7 acres situated on the campus of the state university of New York at Farmingdale, subject to all existing easements and restrictions of record. The description in this section of the parcel to be made available pursuant to this act is not meant to be a legal description, but is intended only to identify the parcel:

The property is situated at the southwest corner of NYS Route 110 and Melville Road. The eastern boundary runs north/south along the western side of NYS Route 110 with approximately 450 feet of frontage. The northern boundary runs along Melville Road for just over 1,000 feet.

§ 9. The state university of New York shall not lease lands described in this act unless any such lease shall be executed within 5 years of the effective date of this act.

§ 10. Insofar as the provisions of this act are inconsistent with the provisions of any law, general, special or local, the provisions of this act shall be controlling.

§ 11. This act shall take effect immediately.

SUBPART B

Section 1. Legislative findings. The legislature finds that the state university of New York at Stony Brook ("Stony Brook") seeks to use approximately 10 acres of underutilized land on Stony Brook's Southampton campus to build multi-purpose facilities to support housing needs and supporting amenities, fulfilling a necessary and vital public

purpose. The legislature further finds that granting the trustees of the state university of New York ("trustees") the authority and power to lease and otherwise contract to make available grounds and facilities of Stony Brook's campus will ensure such land is utilized for the benefit of Stony Brook, the surrounding community, and the general public.

§ 2. Notwithstanding any other law to the contrary, the trustees are authorized and empowered, without any public bidding, to lease and otherwise contract to make available to a ground lessee a portion of the lands of Stony Brook generally described in this act for the purpose of developing, constructing, maintaining and operating multi-purpose facilities to support housing needs and supporting amenities. Such lease or contract shall be for a period not exceeding ninety-nine years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease. Any and all proceeds related to the leases authorized by this act shall be used for the benefit of the Stony Brook campus and the allocation of such proceeds shall be subject to approval by the trustees.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

§ 4. Notwithstanding any general, special or local law or judicial decision to the contrary, all work performed on a project authorized by this act where all or any portion thereof involves a lease or agreement for construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement shall be subject to and performed in accordance with the provisions of article 8 of the labor law to the same extent and in the same manner as a contract of the state.

§ 5. Without limiting the determination of the terms and conditions of such contracts or leases, such terms and conditions may provide for leasing, subleasing, construction, reconstruction, rehabilitation, improvement, operation and management of and provision of services and assistance and the granting of licenses, easements and other arrangements with regard to such grounds and facilities by the ground lessee, and parties contracting with the ground lessee, and in connection with such activities, the obtaining of funding or financing, whether public or private, unsecured or secured, including, but not limited to, secured by leasehold mortgages and assignments of rents and leases, by the ground lessee and parties contracting with the ground lessee for the purposes of completing the project described in this act.

§ 6. Such lease shall include an indemnity provision whereby the lessee or sublessee promises to indemnify, hold harmless and defend the

lessor against all claims, suits, actions, and liability to all persons on the leased premises, including tenant, tenant's agents, contractors, subcontractors, employees, customers, guests, licensees, invitees and members of the public, for damage to any such person's property, whether real or personal, or for personal injuries arising out of tenant's use or occupation of the demised premises.

§ 7. Any contracts entered into pursuant to this act between the ground lessee and parties contracting with the ground lessee shall be awarded by a competitive process.

§ 8. The property authorized by this act to be leased to the ground lessee is generally described as approximately 10 acres of land situated on the Southampton campus of the state university of New York at Stony Brook, subject to all existing easements and restrictions of record.

§ 9. The state university of New York shall not lease lands described in this act unless any such lease shall be executed within 5 years of the effective date of this act.

§ 10. Insofar as the provisions of this act are inconsistent with the provisions of any law, general, special or local, the provisions of this act shall be controlling.

§ 11. This act shall take effect immediately.

SUBPART C

Section 1. Notwithstanding the provisions of section 400 of the transportation law, or any other provision of law to the contrary, the commissioner of transportation is hereby authorized and empowered to transfer and convey certain state-owned real property, as described in section two of this act, upon such terms and conditions as the commissioner may deem appropriate.

§ 2. The lands authorized by this act to be conveyed consist of two parcels of land in the town of Babylon, Suffolk county, constituting tax map numbers 0100-050.00-01.00-003.000 and 0100-050.00-01.00-002.000, and generally described as approximately twelve and one-half acres of land located north of Conklin Street and east of Route 110.

§ 3. The description in section two of this act of the lands to be conveyed is not intended to be a legal description and is intended only to identify the premises to be conveyed.

§ 4. This act shall take effect immediately.

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

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A through C of this act shall be as specifically set forth in the last section of such Subparts.

PART V

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development

corporation act, as amended by section 1 of part EE of chapter 58 of the laws of 2025, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [~~2026~~] 2027.

§ 2. This act shall take effect immediately.

PART W

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part FF of chapter 58 of the laws of 2025, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [~~2026~~] 2027, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately.

PART X

Section 1. The general business law is amended by adding a new article 45-B to read as follows:

ARTICLE 45-B
DIGITAL CONTENT PROVENANCE ACT

Section 1530. Definitions.
1531. Synthetic content creations system.
1532. Content provenance verification.
1533. Exceptions.
1534. Enforcement by attorney general.

§ 1530. Definitions. For the purposes of this article:

1. "Provenance data" means data that records the origin, or history of modification of digital content and is communicated as a content credential, which at a minimum includes: (a) information about the origin or creation of the content; (b) subsequent editing or modification to the content or its metadata; and (c) use of a synthetic content creations system in generating or modifying the content. Such information shall be cryptographically bound to the underlying file and use signing credentials. A synthetic content creations system provider will be deemed compliant with this subdivision if such content credential is consistent with the Technical Specification for Content Credentials published by the Coalition for Content Provenance and Authenticity, or similar established standards-setting body. "Provenance data" shall not include personal information as defined in subdivision five of section two hundred two of the state technology law, or unique device, system, or service information that is reasonably capable of being associated with a particular user, including but not limited to an internet protocol address, unless a user chooses to include such personal information in such data described in paragraph (a), (b), or (c) of this subdivision.

2. "Generative artificial intelligence system" means a class of artificial intelligence models that emulate the structure and character-

istics of input data to generate derived synthetic content, including, but not limited to, images, videos, audio, text, and other digital content.

3. "Synthetic content" means audio or visual content that has been generated or modified by a synthetic content creations system.

4. "Synthetic content creations system provider" means an organization or individual that creates, codes, or otherwise produces a synthetic content creations system that is made publicly available for use by New York residents, regardless of whether the terms of such use include compensation.

5. "Synthetic content creations system hosting platform" means an online repository or other website that makes a synthetic content creations system available for use by a New York resident, regardless of whether the terms of such use include compensation. Synthetic content creations system hosting platform does not include cloud computing platforms or other services that make synthetic content creations systems available for use by a New York state resident solely at the direction of others.

6. "Social media platform" shall have the same meaning as in section eleven hundred of this chapter.

7. "Covered user" shall mean a user of a large online platform in the state, not acting as an operator, or agent or affiliate of the operator of such large online platform or any portion thereof.

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

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

10. "Synthetic content creations system" means a class of generative artificial intelligence systems capable of generating wholly synthetic content. "Synthetic content creations system" shall not include technologies such as red-eye filters or other technologies that are only capable of making changes to existing audio or visual content.

11. "Large online platform" means a social media platform, file-sharing platform, mass messaging platform, or stand-alone search engine that distributes content to users who did not create or collaborate in creating the content. A "large online platform" does not include:

(a) broadband, broadband service or broadband internet, as defined in paragraph (b) of subdivision two of section sixteen-gg of the urban development corporation act; or

(b) a telecommunications service, as defined in section 153 of title 47 of the United States code.

12. "Mass messaging platform" means a direct messaging platform that allows users to distribute content to more than one hundred users simultaneously.

§ 1531. Synthetic content creations system. 1. To the extent it is technically feasible and reasonable, a synthetic content creations system provider shall apply provenance data, either directly or through the use of third-party technology, to synthetic content produced or

modified by a synthetic content creations system that the synthetic content creations system provider makes publicly available.

2. The application of provenance data to synthetic content, as required by this section, shall, at a minimum, identify the digital content as synthetic and communicate the following provenance data:

(a) that the content was created or modified using artificial intelligence;

(b) the name of the synthetic content creations system provider;

(c) the time and date the provenance data was applied;

(d) the type of device, system, or service that was used to generate the image, audio, or video; and

(e) the name of the tool used to apply the provenance data.

3. Synthetic content creations system hosting platforms shall not make available a synthetic content creations system where the hosting platform knows that the synthetic content creations system provider for such system does not apply provenance data to content created or modified by the artificial intelligence system in a manner consistent with specifications set forth in this section, nor shall a synthetic content creations system hosting platform deliberately prevent a synthetic content creations system provider from applying provenance data to content created or modified by a synthetic content creations system in a manner consistent with the specifications set forth in this section.

4. The provisions of this section shall only apply to synthetic content creations systems that were created or modified after the effective date of this article.

§ 1532. Content provenance verification. 1. A synthetic content creations system provider shall, to the extent technically feasible and reasonable, make available a provenance reader tool, whether created by such provider or a third-party, at no cost to a user, that meets all of the following criteria:

(a) The provenance reader tool enables a user to assess whether only image, video, or audio content, or content that is any combination thereof, was created or modified by the synthetic content creations system provider;

(b) The provenance reader tool outputs any provenance data that is detected in the content;

(c) The provenance reader tool does not output any personal information, as defined in subdivision five of section two hundred two of the state technology law, or unique device, system, or service information that is reasonably capable of being associated with a particular user, that is detected in the content except where users indicate their preference for including personal information, such as by choosing to include it in provenance data manifests;

(d) The provenance reader tool is publicly available, provided that a synthetic content creations system provider may impose reasonable limitations on access to the tool to prevent, or respond to, demonstrable risks to the security or integrity of its synthetic content creations system or to prevent misuse of the tool for malicious purposes;

(e) The provenance reader tool provides an explanation to the user regarding how the tool works, what its limitations are, and how to interpret the results to the extent possible, without undermining its effectiveness;

(f) The provenance reader tool allows a user to upload content or provide a uniform resource locator (URL) linking to online content; and

(g) The provenance reader tool supports an application programming interface that allows a user to invoke such tool without visiting the synthetic content creations system provider's website.

2. A synthetic content creations system provider shall not collect or retain personal information from users of the provenance reader tool as a condition of using the provenance reader tool. A synthetic content creations system provider may collect and retain the personal information of a user who opts in to being contacted by such provider for the purposes of submitting feedback to such provider regarding the provenance reader tool.

3. Any content submitted to the provenance reader tool shall not be retained by the synthetic content creations system provider for longer than is necessary to comply with this article.

4. A synthetic content creations system provider shall offer the user the option to include an easily perceived, understood or recognizable manifest disclosure in image, video or audio content or content that is any combination thereof, created or modified by such provider's synthetic content creations system that meets the following criteria:

(a) The disclosure identifies the content as AI-generated content;

(b) The disclosure is clear, conspicuous, appropriate for the medium of the content and is understandable to a reasonable natural person; and

(c) The disclosure is permanent or extraordinarily difficult to remove or modify, to the extent technically feasible.

5. (a) A large online platform shall not to the extent technically feasible, knowingly delete or disassociate, in whole or in part, provenance data from or associated with content uploaded to such platform by a covered user, unless such deletion or disassociation is required by law. Nothing in this article shall be construed as prohibiting users from choosing to include personal information in provenance data from or associated with such uploaded content.

(b) A large online platform shall do all of the following, to the extent technically feasible and reasonable:

(i) detect whether any provenance data that is compliant with widely adopted specifications adopted by an established standards-setting body is embedded into or attached to content uploaded or distributed on such platform.

(ii) provide a provenance reader tool or user interface to disclose the availability of provenance data that reliably indicates that the content was generated or modified by a synthetic content creations system provider. The user interface or provenance reader tool shall make clearly and conspicuously available to a covered user, information that includes but is not limited to the following:

(A) whether provenance data is available;

(B) the name of the synthetic content creations system provider that created or substantially modified the content, if applicable; and

(C) whether any digital signatures are available.

(iii) allow a user to inspect provenance data that is embedded into or attached to content uploaded or distributed on such platform where such provenance data is compliant with widely adopted specifications adopted by an established standards-setting body, in an easily accessible manner by any of the following means:

(A) directly, through the provenance reader tool or user interface pursuant to subparagraph (ii) of this paragraph;

(B) allow a covered user to download a version of the content with its attached provenance data; or

(C) provide a link to the content's provenance data displayed on an internet website or in another application provided by either the large online platform or a third party.

§ 1533. Exceptions. This article shall not apply to any product, service, internet website, or application that provides exclusively non-user generated video game, television, streaming, movie or interactive experiences.

§ 1534. Enforcement by attorney general. Whenever there shall be a violation of this article, the attorney general shall give written notice to the person or entity violating this section identifying the specific provisions of this article that are or were being violated. The attorney general shall not bring an action under this section where, within thirty days of receiving such written notice, the person or entity cures the violation and provides the attorney general with a written statement confirming the violation was cured, including supporting documentation on how the violation was cured. Where, after receipt of the notice and the expiration of thirty days, the person or entity continues to violate this article or for subsequent violations, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this article, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules. Whenever the court shall determine that a violation of this article has occurred, the court may impose a civil penalty of not more than five thousand dollars for each violation.

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

§ 4. This act shall take effect January 1, 2027.

PART Y

Section 1. Short title. This act shall be known and may be cited as the "Safe by Design Act".

§ 2. The general business law is amended by adding a new article 45-B to read as follows:

ARTICLE 45-B
SAFE BY DESIGN ACT

Section 1539. Definitions.
1540. Privacy by default.
1541. Parental approvals.

1542. Prohibition on features that subvert the purposes of this article.
1543. Nondiscrimination.
1544. Scope.
1545. Rulemaking authority.
1546. Remedies.

§ 1539. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Connected" and variations thereof shall mean that two users using the covered platform or two accounts on the covered platform are connected to each other by:

(a) sending a request to connect to another user or account holder and having the request to connect accepted by the other user or account holder; or

(b) receiving a request to connect from another user or account holder and accepting the request to connect.

2. "Covered minor" shall mean any user in New York who has been reasonably determined by an operator, via age assurance, as set forth in this article, to be under the age of eighteen.

3. "Financial transaction" shall mean a transaction between users involving any type of currency, including digital currency used within a covered platform whether or not it can be converted to money.

4. "Operator" shall mean any person, business, or other legal entity who operates or provides a covered platform.

5. "Parent" shall mean a parent or legal guardian.

6. "Covered platform" shall mean an online platform.

7. "Tag" shall mean when a user clearly identifies a second user in posted media.

8. "User" shall mean a user of a covered platform not acting as an operator, or agent or affiliate of such operator, of such platform or any portion thereof.

9. "Covered user" shall mean a user of a covered platform in New York not acting as an operator, agent or affiliate of such operator, of such platform or of any portion thereof.

10. "Money" shall mean a medium of exchange currently authorized or adopted by a domestic or foreign government.

11. "Digital currency" shall mean a digital representation of value, recognized only on the covered platform, that is supplied, exchanged and managed pursuant to the policies or rules of such covered platform, and is not accepted or considered a medium of exchange currently authorized or adopted by a domestic or foreign government.

12. "AI companion" shall have the same meaning as subdivision four of section seventeen hundred of this chapter.

13. "Integrated AI companion" shall mean an AI companion that is an accessible or usable feature of a covered platform.

14. "Online platform" shall mean a public or semi-public website, online service, online application, or mobile application that:

(a) is used by a covered minor in this state;

(b) allows users to construct a public or semi-public profile for the purposes of using such website, service, or application; and

(c) offers or provides the following features:

(i) a mechanism to allow users to publicly message each other in chat rooms or privately message each other within the website, service or application or through integration with a separate website, service, or application; and

(ii) (A) a mechanism to create or post media that is viewable by other users and a mechanism to respond to such media, including but not limited to, through a landing page or feed that presents the user with media generated by other users; or

(B) a mechanism (1) to create games or immersive digital environments for other users and (2) to exchange money for digital currency as well as to exchange digital currency for money.

15. "Media" shall mean text, an image or a video. Games and immersive digital environments are not media.

16. "Age assurance" shall mean any methods to reasonably determine a covered user is not a covered minor, using methods that reasonably prevent against circumvention. Such an age assurance method may include a method that: (a) meets the requirements of article forty-five of this chapter and its implementing regulations, except to ensure an adult cannot pose as a minor, an operator cannot use self-declaration of age or minor status to determine whether a user is a covered minor; or

(b) may be identified in regulations promulgated by the attorney general consistent with paragraph (c) of subdivision one of section fifteen hundred forty of this article.

§ 1540. Privacy by default. 1. (a) No operator shall offer a covered platform in this state without conducting age assurance to reasonably determine whether a user is a covered minor. A covered platform may rely on any prior determination of a user's age or age status completed to comply with other laws or for any other purpose if the determination was made consistent with the definition of age assurance pursuant to subdivision sixteen of section fifteen hundred thirty-nine of this article for purposes of this requirement.

(b) Information collected for the purpose of determining a user's age under this article shall not be used for any purpose other than age determination and shall be deleted immediately after an attempt to determine a user's age, except where necessary for compliance with any applicable provisions of New York state or federal law or regulation.

(c) The attorney general may promulgate regulations identifying methods for commercially reasonable age assurance, which may consider the size, financial resources, and technical capabilities of covered platforms, the costs and effectiveness of available age determination techniques for users of such platforms, the audience of such platforms, and prevalent practices of the industry of the operator. Such regulations shall also identify the appropriate levels of accuracy that would be considered reasonable for operators to achieve in determining whether a user is a covered minor.

2. For all users determined by an operator to be a covered minor, such operator shall utilize the following settings by default for covered minors, which shall ensure that no user who is not already connected to a covered minor may:

(a) communicate directly and privately with such minor;

(b) view or respond to media posted by such minor;

(c) tag such minor in posted media; or

(d) view the geographic location information of a covered minor if a covered platform provides a mechanism by which users may share their geographic location information with other users on the covered platform.

3. A parent of a covered minor may override the default privacy settings provided in subdivision two of this section at such parent's discretion. An operator shall allow a parent to override or maintain

each privacy setting provided in subdivision two of this section separately.

4. An operator shall notify a parent of a covered minor whenever such covered minor requests the operator to obtain approval from a covered minor's parent to change the default settings provided in subdivision two of this section. Such notice shall include a statement that informs the parent that they are changing a default setting required under New York law. The parent may then either approve or deny the request to change the settings for such minor.

5. A request by a user to connect with a covered minor may be sent simultaneously with a request by such user to directly message such covered minor. A request by a covered minor to connect with a user may be sent simultaneously with a request by such covered minor to directly message such user.

6. (a) An operator shall, by default, disable the access or use of any integrated AI companion for covered minors.

(b) A parent of a covered minor may override the default disabled access or use of an integrated AI companion, provided in subdivision one of this section, at such parent's discretion. An operator shall allow a parent to override or maintain the setting provided for in subdivision one separately from any other mechanisms to override other default settings.

(c) An operator shall notify a parent of a covered minor whenever such minor requests that the operator get approval from a covered minor's parent to change the default setting provided in subdivision one of this section. This notice shall include a statement that informs the parent that they are changing a default setting required under New York law. The parent may either approve or deny the request to change such setting for such minor.

§ 1541. Parental approvals. 1. For all covered minors under the age of thirteen, an operator shall require the parent of such covered minor to approve all new connections with such covered minor before such covered minor's and such other user's or such other's accounts may be connected. For covered minors under the age of thirteen, an operator shall also establish a mechanism by which a parent of such minor may easily view the list of all users or accounts currently connected with the account of the minor.

2. (a) For all covered minors, an operator shall establish a mechanism that either: (i) enables the parent of such minor to set a monthly limit on the spending of money, whether by charging a credit card or other means, in connection with the direct or indirect purchase or acquisition of anything on or via the covered platform, including but not limited to digital currency, relating to such covered minor's account and where the amount of such limit is set at the parent's discretion; or

(ii) enables the parent of such minor to opt out of setting such limits.

(b) An operator may establish a mechanism to enable the covered minor to request that the parent of such covered minor approve the further expenditure of money, such as charging the credit card associated with such covered minor's account, once the limit set forth in subparagraph (i) of paragraph (a) of this subdivision is reached. In such an instance, such parent shall approve the request before any such charges may be processed by the operator.

(c) Such operator shall further establish a mechanism by which a parent of a covered minor may easily view a history of all financial transactions relating to such covered minor's account at any time, which

at a minimum, identifies the users involved in each such transaction, in addition to the covered minor, as well as the amounts of money or digital currency associated with each transaction.

§ 1542. Prohibition on features that subvert the purposes of this article. It shall be unlawful for a covered platform to deploy any mechanism or design feature which has the effect of inhibiting the purpose of this article.

§ 1543. Nondiscrimination. An operator shall not withhold, degrade, lower the quality of, or increase the price of any product, service, or feature of a covered platform, other than as necessary for compliance with the provisions of this article or any rules or regulations promulgated pursuant to this article, to a user due to such operator being required to establish the settings and approvals provided in sections fifteen hundred forty and fifteen hundred forty-one of this article.

§ 1544. Scope. 1. This article shall apply to conduct that occurs in whole or in part in New York. For purposes of this article, conduct takes place wholly outside of New York if the covered platform is accessed by a user who is physically located outside of New York.

2. Nothing in this article shall be construed to impose liability for commercial activities or actions by operators subject to 15 U.S.C. § 6501 that is inconsistent with the treatment of such activities or actions under 15 U.S.C. § 6502.

§ 1545. Rulemaking authority. The attorney general may promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this article.

§ 1546. Remedies. 1. On or after the effective date of this article, whenever it appears to the attorney general, upon complaint or otherwise, that any person, within or outside the state, has violated the provisions of this article, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any such violation, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits or gains obtained directly or indirectly by any such violation, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to five thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

2. The attorney general shall maintain a website to receive complaints, information, and/or referrals from members of the public concerning an operator's or covered platform's alleged compliance or noncompliance with the provisions of this article.

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

§ 4. This act shall take effect January 1, 2027. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART Z

Section 1. The general business law is amended by adding a new section 349-i to read as follows:

§ 349-i. Advertising former prices. 1. No retail seller shall knowingly advertise a reduction in the price of a product from such seller's own former price, unless such former price is the actual, bona fide price of the product for which the retail seller offered to the public, openly and in good faith. For the purposes of this section, the following non-exhaustive factors may be considered in determining whether such former price is an actual, bona fide price:

a. Whether the former price exceeds the retail seller's usual and customary retail mark-up for similar merchandise;

b. Whether the former price is the price at which or above which substantial sales were made in the regular course of business;

c. Whether the former price was openly offered to the public on a regular basis, for a reasonably substantial period of time, within the regular course of business;

d. Whether the former price was openly offered to the public on a regular basis, in the recent, regular course of business;

e. Whether the former price was not used in the recent past but at some remote period in the past, without making disclosure of that fact; or

f. Whether the former price was not openly offered to the public, or was not maintained for a reasonable length of time, but was immediately reduced.

2. Any violation of subdivision one of this section shall constitute a deceptive act or deceptive practice within the meaning of section three hundred forty-nine of this article.

§ 2. This act shall take effect immediately.

PART AA

Section 1. Short title. This act shall be known and may be cited as the "data broker accountability act".

§ 2. The general business law is amended by adding a new article 48 to read as follows:

ARTICLE 48

DATA BROKER ACCOUNTABILITY ACT

Section 1800. Definitions.
1801. Data broker registration.
1802. Data broker registration and deletion portal.
1803. Consumer deletion requests.
1804. Accessible deletion request mechanism for consumers.
1805. Data broker website disclosure requirements.
1806. Rulemaking.
1807. Powers, duties and adjudicatory proceedings.
1808. Statute of limitations.
1809. Enforcement.
1810. Assessments.
1811. Exemptions.

§ 1800. Definitions. For purposes of this article, the following definitions shall have the following meanings:

1. "Advertising and marketing" means a communication by a business or a person acting on such business' behalf in any medium intended to induce a consumer to obtain goods, services, or employment.

2. "Aggregate consumer information" means information that relates to a group or category of consumers, from which individual consumer identities have been removed, that is not linked or reasonably linkable to any consumer or household, including via a device. The term "aggregate consumer information" shall not include one or more individual consumer records that have been deidentified.

3. "Biometric information" means an individual's physiological, biological, or behavioral characteristics, including information pertaining to an individual's deoxyribonucleic acid (DNA), that is used or is intended to be used singly or in combination with each other or with other identifying data, to establish individual identity. The term "biometric information" includes, but is not limited to, imagery of the iris, retina, fingerprint, face, hand, palm, vein patterns, and voice recordings, from which an identifier template, such as a faceprint, a minutiae template, or a voiceprint, can be extracted, and keystroke patterns or rhythms, gait patterns or rhythms, and sleep, health, or exercise data that contain identifying information.

4. "Business" means:

(a) A sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that is organized or operated for the profit or financial benefit of its shareholders or other owners, that collects consumers' personal information, or on the behalf of which such information is collected and that alone, or jointly with others, determines the purposes and means of the processing of consumers' personal information, that does business in the state of New York, and that satisfies one or more of the following thresholds:

(i) as of January first of the relevant calendar year, had annual gross revenues in excess of twenty-five million dollars in the preceding calendar year;

(ii) alone or in combination, annually buys, sells, or shares the personal information of one hundred thousand or more consumers or households; or

(iii) derives fifty percent or more of its annual revenues from selling or sharing consumers' personal information;

(b) (i) Any entity that controls or is controlled by a business, as defined in paragraph (a) of this subdivision, and that shares common branding with such business and with whom such business shares consumers' personal information.

(ii) For the purposes of this paragraph, the following terms shall have the following meanings:

(1) "Control" or "controlled" means ownership of, or the power to vote, more than fifty percent of the outstanding shares of any class of voting security of a business; control in any manner over the election of a majority of the directors, or of individuals exercising similar functions; or the power to exercise a controlling influence over the management of a company;

(2) "Common branding" means a shared name, service mark, or trademark that the average consumer would understand that two or more entities are commonly owned;

(c) A joint venture or partnership composed of businesses in which each business has at least a forty percent interest. For purposes of this article, the joint venture or partnership and each business that composes the joint venture or partnership shall separately be considered a single business, except that personal information in the possession of each business and disclosed to the joint venture or partnership shall not be shared with the other business; or

(d) A person that does business in New York, that is not covered by paragraph (a), (b), or (c) of this subdivision, and that voluntarily certifies to the office that it is in compliance with, and agrees to be bound by, this article.

5. "Business purpose" means the use of personal information for the business' operational purposes, or other notified purposes, or for the service provider or contractor's operational purposes, as further defined by regulations promulgated by the office, provided that the use of personal information shall be reasonably necessary and proportionate to achieve the purpose for which the personal information was collected or processed or for another purpose that is compatible with the context in which the personal information was collected. The term "business purposes" shall include, but not be limited to:

(a) auditing related to counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards;

(b) helping to ensure security and integrity to the extent the use of the consumer's personal information is reasonably necessary and proportionate for these purposes;

(c) debugging to identify and repair errors that impair existing intended functionality;

(d) short-term, transient use, including, but not limited to, non-personalized advertising shown as part of a consumer's current interaction with the business, provided that the consumer's personal information is not disclosed to another third party and is not used to build a profile about the consumer or otherwise alter the consumer's experience outside the current interaction with the business;

(e) performing services on behalf of the business, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services on behalf of the business;

(f) providing advertising and marketing services, except for cross-context behavioral advertising, to the consumer provided that, for the purpose of advertising and marketing, a service provider or contractor shall not combine the personal information of opted-out consumers that the service provider or contractor receives from, or on behalf of, the business with personal information that the service provider or contractor receives from, or on behalf of, another person or persons or collects from its own interaction with consumers;

(g) undertaking internal research for technological development and demonstration; or

(h) undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by the business, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by the business.

6. "Collects", "collected", or "collection" means buying, renting, gathering, obtaining, receiving, or accessing any personal information pertaining to a consumer by any means, including but not limited to, receiving information from the consumer, either actively or passively, or by observing the consumer's behavior.

7. "Consent" means any freely given, specific, informed, and unambiguous indication of a consumer's wishes by which such consumer, or such consumer's legal guardian, a person who has power of attorney, or a

person acting as a conservator for such consumer, including by a statement or by a clear affirmative action, signifies agreement to the processing of personal information relating to such consumer for a narrowly defined particular purpose. Acceptance of a general or broad terms of use, or similar document, that contains descriptions of personal information processing along with other, unrelated information, shall not constitute consent. Hovering over, muting, pausing, or closing a given piece of content shall not constitute consent. Agreement obtained through use of dark patterns shall not constitute consent.

8. "Consumer" means a natural person who is an individual who is in New York state for other than a temporary or transitory purpose, and every individual who is domiciled in New York state who is outside the state for a temporary or transitory purpose.

9. "Contractor" means a person to whom a business makes available a consumer's personal information for a business purpose, pursuant to a written contract with such business, provided that such contract:

(a) prohibits the contractor from:

(i) selling or sharing such personal information;

(ii) retaining, using, or disclosing such personal information for any purpose other than for the business purposes specified in such contract, including retaining, using, or disclosing such personal information for a commercial purpose other than the business purposes specified in such contract, or as otherwise permitted by this article;

(iii) retaining, using, or disclosing such personal information outside of the direct business relationship between the contractor and such business;

(iv) combining such personal information that the contractor receives pursuant to a written contract with such business with personal information that it receives from or on behalf of another person or persons, or collects from its own interaction with the consumer, provided that such contractor may combine personal information to perform any business purpose as defined in regulations adopted by the office;

(b) includes a certification made by the contractor that the contractor understands the restrictions provided for in accordance with paragraph (a) of this subdivision and will comply with them;

(c) permits, subject to agreement with the contractor, the business to monitor the contractor's compliance with the contract through measures, including, but not limited to, ongoing manual reviews and automated scans and regular assessments, audits, or other technical and operational testing at least once every twelve months; and

(d) provides that if the contractor engages any other person to assist it in processing personal information for a business purpose on behalf of such business, or if any other person engaged by such contractor engages another person to assist in processing personal information for such business purpose, it shall notify such business of such engagement, and such engagement shall be pursuant to a written contract binding such other person to observe all the requirements set forth in this subdivision.

10. "Cross-context behavioral advertising" means the targeting of advertising and marketing to a consumer based on such consumer's personal information obtained from such consumer's activity across businesses, distinctly branded internet websites, applications, or services, other than the business, distinctly branded internet website, application, or service with which such consumer intentionally interacts.

11. (a) "Data broker" means a business that knowingly collects and sells to third parties the personal information of a consumer with whom such business either:

(i) does not have a direct relationship; and/or

(ii) does not have a direct relationship with such consumer as to personal information it sells about such consumer that it collected outside of a consumer-facing business with which the consumer intends and expects to interact.

(b) The term "data broker" shall not include any of the following:

(i) an entity to the extent that it is covered by the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.);

(ii) an entity to the extent that it is covered by the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations;

(iii) a federal, state, tribal, territorial, or local governmental entity, including a body, authority, board, bureau, commission, district, agency, or political subdivision of a governmental entity;

(iv) an entity that serves as a congressionally designated nonprofit, national resource center, or clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public on missing and exploited children issues; or

(v) an entity to the extent it is covered by section eighteen hundred eleven of this article.

12. "Dark pattern" means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision making, or choice, as further defined by regulation issued by the office.

13. "Deidentified" means information that cannot reasonably be used to infer information about, or otherwise be linked to, a particular consumer provided that the business that possesses such information:

(a) takes reasonable measures to ensure that such information cannot be associated with a consumer or household;

(b) publicly commits to maintain and use such information in deidentified form and not to attempt to reidentify such information, except that such business may attempt to reidentify such information solely for the purpose of determining whether its deidentification processes satisfy the requirements of this subdivision; and

(c) contractually obligates any recipients of such information to comply with all provisions of this subdivision.

14. "Designated methods for submitting requests" means a mailing address, email address, internet web page, internet web portal, toll-free telephone number, or other applicable contact information, whereby consumers may submit a request or direction under this article, and any new, consumer-friendly means of contacting a business, as approved in writing by the office.

15. "Developer of a GenAI system" means a person, partnership, corporation, firm, organization or other entity that designs, codes, produces, trains or substantially modifies a GenAI system.

16. "Device" means any physical object that is capable of connecting to the internet, directly or indirectly, or to another device.

17. "Foreign actor" means either of the following:

(a) the government of a covered nation as defined in Section 4872 of Title 10 of the United States Code; or

(b) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a covered nation as defined in Section 4872 of Title 10 of the United States Code.

18. "Generative artificial intelligence system" or "GenAI system" means an artificial intelligence that can generate derived synthetic content, including text, images, video, and audio, that emulates the structure and characteristics of the system's training data.

19. "Homepage" means the introductory page of an internet website and any internet web page where personal information is collected. In the case of an online service, such as a mobile application, the term "homepage" means such application's platform page or download page, a link within such application, such as from the application configuration, "About", "Information", or settings page, and any other location that allows consumers to review the notices required by this article, including, but not limited to, before downloading such application.

20. "Household" means a group, however identified, of consumers who cohabitate with one another at the same residential address and share use of common devices or services.

21. "Infer" or "inference" means the derivation of information, data, assumptions, or conclusions from facts, evidence, or another source of information or data.

22. "Intentionally interacts" means when a consumer intends to interact with a person, or disclose personal information to a person, via one or more deliberate interactions, including visiting such person's internet website or purchasing a good or service from such person. Hovering over, muting, pausing, or closing a given piece of content shall not constitute a consumer's intent to interact with a person.

23. "Non-personalized advertising" means advertising and marketing that is based solely on a consumer's personal information derived from such consumer's current interaction with the business with the exception of such consumer's precise geolocation.

24. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

25. (a) "Personal information" means information, however maintained, that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household, including, but not limited to, the following:

(i) identifiers such as a real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, social security number, driver's license number, passport number, or other similar identifiers;

(ii) any information that identifies, relates to, describes, or is capable of being associated with, a particular individual, including, but not limited to, such individual's name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information;

(iii) characteristics of protected classifications under New York or federal law;

(iv) commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies;

(v) biometric information;

(vi) internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer's interaction with an internet website application, or advertisement;

(vii) geolocation data;

(viii) audio, electronic, visual, thermal, olfactory, or similar information;

(ix) professional or employment-related information;

(x) education information, defined as information that is not publicly available personally identifiable information as defined in the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99);

(xi) inferences drawn from any of the information identified in this subdivision to create a profile about a consumer reflecting such consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes; and

(xii) sensitive personal information;

(b) The term "personal information" shall not include publicly available information or lawfully obtained, truthful information that is a matter of public concern. For purposes of this paragraph, "publicly available" means any of the following:

(i) information that is lawfully made available from federal, state, or local government records;

(ii) information that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media; or

(iii) information made available by a person to whom the consumer has disclosed such information if such consumer has not restricted such information to a specific audience.

(c) The term "publicly available" shall not mean biometric information collected by a business about a consumer without such consumer's knowledge.

(d) The term "personal information" shall not include consumer information that is deidentified or aggregate consumer information.

(e) The term "personal information" may exist in various formats, including, but not limited to, all of the following:

(i) physical formats, including paper documents, printed images, vinyl records, or video tapes;

(ii) digital formats, including text, image, audio, or video files; or

(iii) abstract digital formats, including compressed or encrypted files, metadata, or artificial intelligence systems that are capable of outputting personal information.

26. "Precise geolocation" means any data that is derived from a device and that is used or intended to be used to locate a consumer within a geographic area that is equal to or less than the area of a circle with a radius of eighteen hundred fifty feet, except as prescribed by regulations.

27. "Probabilistic identifier" means the identification of a consumer or such consumer's device to a degree of certainty of more probable than not based on any categories of personal information included in, or similar to, the categories enumerated in the definition of personal information under subdivision twenty-five of this section.

28. "Processing" means any operation or set of operations that are performed on personal information or on sets of personal information, whether or not by automated means.

29. "Profiling" means any form of automated processing of personal information, as further defined by any regulations issued by the office, to evaluate certain personal aspects relating to a natural person and, in particular, to analyze or predict aspects concerning such natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

30. "Pseudonymize" or "pseudonymization" means the processing of personal information in a manner that renders such personal information no longer attributable to a specific consumer without the use of additional information, provided that such additional information is kept separately and is subject to technical and organizational measures to ensure that such personal information is not attributed to an identified or identifiable consumer.

31. "Reproductive health care data" means any of the following:

(a) information about a consumer searching for, accessing, procuring, using, or otherwise interacting with goods or services associated with the human reproductive system, which includes goods such as contraception including but not limited to condoms or birth-control pills, prenatal and fertility vitamins and supplements, menstrual-tracking apps, and hormone-replacement therapy, and shall further include, but not be limited to, services such as sperm- and egg-freezing, In Vitro Fertilization, abortion care, vasectomies, sexual health counseling; treatment or counseling for sexually transmitted infections, erectile dysfunction, and reproductive tract infections; and precise geolocation information about such treatments; or

(b) information about a consumer's sexual history and family planning, which includes information such consumer inputs into a dating app about their history of sexually transmitted infections or desire to have children that is considered sexual history and family planning information.

32. "Research" means scientific analysis, systematic study, and observation, including basic research or applied research that is designed to develop or contribute to public or scientific knowledge and that adheres or otherwise conforms to all other applicable ethics and privacy laws, including, but not limited to, studies conducted in the public interest in the area of public health. Research with personal information that may have been collected from a consumer in the course of the consumer's interactions with a business' service or device for other purposes shall be:

(a) compatible with the business purpose for which the personal information was collected;

(b) subsequently pseudonymized and deidentified, or deidentified and in the aggregate, such that the information cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer, by a business;

(c) made subject to technical safeguards that prohibit reidentification of the consumer to whom the information may pertain, other than as needed to support the research;

(d) subject to business processes that specifically prohibit reidentification of the information, other than as needed to support the research;

(e) made subject to business processes to prevent inadvertent release of deidentified information;

(f) protected from any reidentification attempts;

(g) used solely for research purposes that are compatible with the context in which the personal information was collected; and

(h) subjected by the business conducting the research to additional security controls that limit access to the research data to only those individuals as are necessary to carry out the research purpose.

33. "Security and integrity" means the ability of:

(a) networks or information systems to detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information;

(b) businesses to detect security incidents, resist malicious, deceptive, fraudulent, or illegal actions and to help prosecute those responsible for those actions; or

(c) businesses to ensure the physical safety of natural persons.

34. (a) "Sell", "selling", "sale", or "sold" means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by a business to a third party for monetary or other valuable consideration.

(b) For purposes of this article, a business shall not be deemed to sell personal information when:

(i) a consumer uses or directs such business to intentionally:

(1) disclose personal information; or

(2) interact with one or more third parties;

(ii) such business uses or shares an identifier for a consumer who has opted out of the sale of such consumer's personal information or limited the use of such consumer's sensitive personal information for the purposes of alerting persons to or for whom such consumer has opted out of the sale of such consumer's personal information or limited the use of such consumer's sensitive personal information; or

(iii) such business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which such third party assumes control of all or part of such business, provided that such information is used or shared consistently with this article. If a third party materially alters how it uses or shares the personal information of a consumer in a manner that is materially inconsistent with the promises made at the time of collection, it shall provide prior notice of the new or changed practice to such consumer. Such notice shall be sufficiently prominent and robust to ensure that existing consumers can easily exercise their choices consistently with this article. This subparagraph shall not authorize a business to make material, retroactive privacy policy changes or make other changes in their privacy policy in a manner that would violate section three hundred forty-nine of this chapter.

35. (a) "Sensitive personal information" means:

(i) personal information that reveals:

(1) a consumer's social security, driver's license, state identification card, or passport number;

(2) a consumer's account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account;

(3) a consumer's precise geolocation;

(4) a consumer's racial or ethnic origin, citizenship or immigration status, religious or philosophical beliefs, or union membership;

(5) the contents of a consumer's mail, email, and text messages unless the business is the intended recipient of the communication;

(6) a consumer's genetic data; or

(7) a consumer's neural data, meaning information that is generated by measuring the activity of such consumer's central or peripheral nervous system, and that is not inferred from nonneural information; or

(ii) the processing of biometric information for the purpose of uniquely identifying a consumer, including but not limited to:

(1) personal information collected and analyzed concerning a consumer's health; or

(2) personal information collected and analyzed concerning a consumer's sex life or sexual orientation.

(b) Sensitive personal information that is publicly available, as defined in subdivision twenty-five of this section, shall not be considered "sensitive personal information" or "personal information" for the purposes of this article.

36. "Service" or "services" means work, labor, and services, including services furnished in connection with the sale or repair of goods.

37. (a) "Service provider" means a person that processes personal information on behalf of a business and that receives from or on behalf of such business consumer's personal information for a business purpose pursuant to a written contract, provided that such contract prohibits such person from:

(i) selling or sharing such personal information;

(ii) retaining, using, or disclosing such personal information for any purpose other than for the business purposes specified in the contract for such business, including retaining, using, or disclosing such personal information for a commercial purpose other than the business purposes specified in the contract with such business, or as otherwise permitted by this article;

(iii) retaining, using, or disclosing the information outside of the direct business relationship between the service provider and such business; or

(iv) combining such personal information that the service provider receives from, or on behalf of, such business with personal information that it receives from, or on behalf of, another person or persons, or collects from its own interaction with the consumer, provided that the service provider may combine personal information to perform any business purpose as may be further defined in regulations promulgated by the office. Such contract may, subject to agreement with the service provider, permit the business to monitor such service provider's compliance with such contract through measures, including, but not limited to, ongoing manual reviews and automated scans and regular assessments, audits, or other technical and operational testing at least once every twelve months.

(b) If a service provider engages any other person to assist it in processing personal information for a business purpose on behalf of the business, or if any other person engaged by such service provider engages another person to assist in processing personal information for such business purpose, it shall notify such business of such engagement, and such engagement shall be pursuant to a written contract binding such other person to observe all the requirements set forth in paragraph (a) of this subdivision.

38. (a) "Share", "shared", or "sharing" means sharing, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by a business to a third party for cross-context behavioral advertising, whether or not for monetary or other valuable consideration, including transactions between a business

and a third party for cross-context behavioral advertising for the benefit of a business in which no money is exchanged.

(b) For purposes of this article, a business shall not be deemed to share personal information when:

(i) a consumer uses or directs such business to intentionally disclose personal information or intentionally interact with one or more third parties;

(ii) such business uses or shares an identifier for a consumer who has opted out of the sharing of such consumer's personal information or limited the use of such consumer's sensitive personal information for the purposes of alerting persons to or for whom such consumer has opted out of the sharing of such consumer's personal information or limited the use of such consumer's sensitive personal information; or

(iii) such business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which such third party assumes control of all or part of such business, provided that such information is used or shared consistently with this article. If a third party materially alters how it uses or shares the personal information of a consumer in a manner that is materially inconsistent with the promises made at the time of collection, it shall provide prior notice of the new or changed practice to such consumer. Such notice shall be sufficiently prominent and robust to ensure that existing consumers can easily exercise their choices consistently with this article. This subparagraph shall not authorize a business to make material, retroactive privacy policy changes or make other changes in their privacy policy in a manner that would violate section three hundred forty-eight of this chapter.

39. "Third party" means a person who is not any of the following:

(a) the business with whom a consumer intentionally interacts and that collects personal information from such consumer as part of such consumer's current interaction with such business under this article;

(b) a service provider to the business; or

(c) a contractor.

40. "Unique identifier" or "unique personal identifier" means a persistent identifier that can be used to recognize a consumer, a family, or a device that is linked to a consumer or family, over time and across different services, including, but not limited to, a device identifier; an internet protocol address; cookies, beacons, pixel tags, mobile ad identifiers, or similar technology; customer number, unique pseudonym, or user alias; telephone numbers, or other forms of persistent or probabilistic identifiers that can be used to identify a particular consumer or device that is linked to a consumer or family. For purposes of this subdivision, the term "family" means a custodial parent or guardian and any children under eighteen years of age over which the parent or guardian has custody.

41. "Verifiable consumer request" means a request that is made by a consumer, by a consumer on behalf of such consumer's minor child, or by a person who has power of attorney or is acting as a conservator for such consumer, and that the business can verify, using commercially reasonable methods, pursuant to any regulations adopted by the office to be such consumer about whom the business has collected personal information.

42. "Department" shall mean the department of financial services.

43. "Superintendent" shall mean the superintendent of financial services.

44. "Office" shall mean an office within the department, which shall report to the superintendent, and is tasked with the implementation of this article.

§ 1801. Data broker registration. 1. On or before the first of July following each year in which a business meets the definition of data broker as provided in this article, or by such other date as the office may establish by regulation, such business shall register with the office pursuant to the requirements of this section.

2. In registering with the office, a data broker shall do all of the following:

(a) pay the pro rata share assessed by the office;

(b) provide the following information in a form and manner determined by the office for the prior calendar year:

(i) the name of the data broker and its primary physical, email, and internet website addresses;

(ii) if the data broker permits a consumer to opt-out of such data broker's collection of brokered personal information, opt-out of its databases, or opt-out of certain sales of data:

(1) the method for requesting an opt-out;

(2) if the opt-out applies to only certain activities or sales, which activities or sales such opt-out applies to; and

(3) whether the data broker permits a consumer to authorize a third party to perform the opt-out on the consumer's behalf;

(iii) a statement specifying the data collection, databases, or sales activities from which a consumer shall not opt-out;

(iv) a statement regarding whether the data broker implements a purchaser credentialing process;

(v) the number of requests from consumers to delete personal information;

(vi) the median and the mean number of days within which the data broker substantively responded to consumer requests to delete personal information;

(vii) whether the data broker collects the personal information of minors;

(viii) whether the data broker collects consumers' names, dates of birth, zip codes, email addresses, or phone numbers;

(ix) whether the data broker collects consumers' account logins or account numbers in combination with any required security codes, access codes, or passwords that would permit access to a consumer's account with a third party;

(x) whether the data broker collects consumers' drivers' license numbers, New York identification card numbers, tax identification numbers, social security numbers, passport numbers, military identification numbers, or other unique identification numbers issued on a government document commonly used to verify the identity of a specific individual;

(xi) whether the data broker collects consumers' mobile advertising identification numbers, connected television identification numbers, or vehicle identification numbers (VIN);

(xii) whether the data broker collects consumers' citizenship data, including immigration status;

(xiii) whether the data broker collects consumers' union membership status;

(xiv) whether the data broker collects consumers' sexual orientation status;

(xv) whether the data broker collects consumers' gender identity and gender expression data;

(xvi) whether the data broker collects consumers' biometric data;

(xvii) whether the data broker collects consumers' precise geolocation;

(xviii) whether the data broker collects consumers' reproductive health care data;

(xix) whether the data broker has shared or sold consumers' data to a foreign actor in the past year;

(xx) whether the data broker has shared or sold consumers' data to the federal government in the past year;

(xxi) whether the data broker has shared or sold consumers' data to other state governments in the past year;

(xxii) whether the data broker has shared or sold consumers' data to law enforcement in the past year, unless such data was shared pursuant to a subpoena or court order;

(xxiii) whether the data broker has shared or sold consumers' data to a developer of a GenAI system or model in the past year;

(xxiv) a link to a page on the data broker's internet website that details how a consumer may exercise their deletion rights and does not make any use of dark patterns;

(xxv) whether and to what extent the data broker or any of its subsidiaries is regulated by any of the following:

(1) the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.);

(2) the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations; or

(3) the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191);

(xxvi) any additional information or explanation the data broker chooses to provide concerning its data collection practices; and

(xxvii) any other information that the office may require pursuant to regulations.

§ 1802. Data broker registration and deletion portal. The office shall create a page on the department's internet website where the registration information provided by data brokers described under section eighteen hundred one of this article and the accessible deletion mechanism described under section eighteen hundred four of this article shall be accessible to the public.

§ 1803. Consumer deletion requests. A data broker shall delete a consumer's personal information, based on such consumer's request, within forty-five days of receiving a verifiable consumer request from the consumer pursuant to section eighteen hundred four of this article or section eighteen hundred five of this article. Such data broker shall promptly take steps to determine whether such request is a verifiable consumer request, but such steps shall not extend such data broker's duty to delete personal information within forty-five days of receipt of the consumer's request. The time period to delete personal information may be extended once by an additional forty-five days when reasonably necessary, provided the consumer is provided notice of such extension within the first forty-five-day period.

§ 1804. Accessible deletion request mechanism for consumers. 1. The office shall establish an accessible deletion request mechanism that does all of the following:

(a) implements and maintains reasonable security procedures and practices, including, but not limited to, administrative, physical, and technical safeguards appropriate to the nature of the information and the purposes for which the personal information will be used and to protect consumers' personal information from unauthorized use, disclosure, access, destruction, or modification;

(b) allows a consumer, through a single verifiable consumer request, to request that every data broker that maintains any personal information delete any personal information related to such consumer held by the data broker or associated service provider or contractor;

(c) allows a consumer to selectively exclude specific data brokers from a request made under this section; and

(d) allows a consumer to make a request to alter a previous request made under this section after at least forty-five days have passed since the consumer last made a request under this section.

2. The accessible deletion mechanism established pursuant to this section shall meet all of the following requirements:

(a) the accessible deletion mechanism shall allow a consumer to request the deletion of all personal information related to such consumer through a single deletion request;

(b) the accessible deletion mechanism shall permit a consumer to securely submit information in one or more privacy-protecting ways determined by the office to aid in the deletion request;

(c) the accessible deletion mechanism shall allow data brokers registered with the office to determine whether an individual has submitted a verifiable consumer request to delete the personal information related to such consumer as described in this section and shall not allow the disclosure of any additional personal information when the data broker accesses such accessible deletion mechanism unless otherwise specified in this article;

(d) the accessible deletion mechanism shall allow a consumer to make a request described in this section using an internet service operated by the office;

(e) the accessible deletion mechanism shall not charge a consumer to make a request described in this section;

(f) the accessible deletion mechanism shall allow a consumer to make a request described in this section in any of the twelve most commonly spoken languages in New York state, consistent with section two hundred two-a of the executive law, for whom personal information has been collected by data brokers;

(g) the accessible deletion mechanism shall comply with section one hundred three-d of the state technology law;

(h) the accessible deletion mechanism shall support the ability of a consumer's authorized agents to aid in the deletion request;

(i) the accessible deletion mechanism shall allow the consumer, or their authorized agent, to verify the status of such consumer's deletion request; and

(j) the accessible deletion mechanism shall provide a description of all of the following:

(i) the deletion permitted by this section including the actions required of data brokers described in this section;

(ii) the process for submitting a deletion request pursuant to this section; and

(iii) examples of the types of information that may be deleted;

3. Beginning on a date established by regulation by the office, a data broker shall access the accessible deletion mechanism established pursuant to subdivision one of this section at least once every forty-five days and do all of the following:

(a) within forty-five days after receiving a request made pursuant to this section, a data broker shall process all such requests and delete all personal information related to the consumers who made such requests;

(b) in cases where a data broker denies a consumer request to delete under this article because such request cannot be verified, such data broker shall process such request as an opt-out of the sale or sharing of such consumer's personal information if provided by such data brokers' existing policies and practices;

(c) a data broker shall direct all service providers or contractors associated with such data broker to delete all personal information in their possession related to the consumers making the requests described in paragraph (a) of this subdivision;

(d) a data broker shall direct all service providers or contractors associated with the data broker to process a request described by paragraph (b) of this subdivision.

4. Notwithstanding subdivision three of this section, a data broker shall not be required to delete a consumer's personal information if either of the following apply:

(a) if it is reasonably necessary for the business, service provider, or contractor to maintain the consumer's personal information in order to:

(i) complete the transaction for which the personal information was collected, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service requested by the consumer, or reasonably anticipated by such consumer within the context of a business' ongoing business relationship with such consumer, or otherwise perform a contract between the business and such consumer;

(ii) help to ensure security and integrity to the extent the use of the consumer's personal information is reasonably necessary and proportionate for such purposes;

(iii) debug to identify and repair errors that impair existing intended functionality;

(iv) exercise free speech, ensure the right of another consumer to exercise such consumer's right of free speech, or exercise another right provided for by law;

(v) engage in public or peer-reviewed scientific, historical, or statistical research that conforms or adheres to all other applicable ethics and privacy laws, when the business' deletion of the information is likely to render impossible or seriously impair the ability to complete such research, if the consumer has provided informed consent;

(vi) to enable solely internal uses that are reasonably aligned with the expectations of the consumer based on such consumer's relationship with the business and compatible with the context in which such consumer provided the information;

(vii) comply with a legal obligation, including, but not limited to federal, state, or local laws or comply with a court order or subpoena to provide information;

(viii) comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, or local authorities.

Law enforcement agencies, including police and sheriff's departments, may direct a business pursuant to a law enforcement agency-approved investigation with an active case number not to delete a consumer's personal information, and, upon receipt of that direction, a business shall not delete the personal information for ninety days in order to allow the law enforcement agency to obtain a court-issued subpoena, order, or warrant to obtain a consumer's personal information. For good cause and only to the extent necessary for investigatory purposes, a law enforcement agency may direct a business not to delete the consumer's personal information for additional ninety-day periods. A business that has received direction from a law enforcement agency not to delete the personal information of a consumer who has requested deletion of such consumer's personal information shall not use such consumer's personal information for any purpose other than retaining it to produce to law enforcement in response to a court-issued subpoena, order, or warrant unless such consumer's deletion request is subject to an exemption from deletion under this article;

(ix) cooperate with law enforcement agencies concerning conduct or activity that the business, service provider, or third party reasonably and in good faith believes may violate federal, state, or local law;

(x) cooperate with a government agency request for emergency access to a consumer's personal information if a natural person is at risk or danger of death or serious physical injury provided that:

(1) such request is approved by a high-ranking agency officer for emergency access to a consumer's personal information;

(2) such request is based on such government agency's good faith determination that it has a lawful basis to access the information on a nonemergency basis;

(3) such agency agrees to petition a court for an appropriate order within three days and to destroy the information if such order is not granted; and

(4) for purposes of this subparagraph, a consumer accessing, procuring, or searching for services regarding contraception, pregnancy care, and perinatal care, including, but not limited to, abortion services, shall not constitute a natural person being at risk or danger of death or serious physical injury;

(xi) exercise or defend legal claims;

(xii) collect, use, retain, sell, share, or disclose consumers' personal information that is deidentified or aggregate consumer information; or

(xiii) collect, sell, or share a consumer's personal information if every aspect of that commercial conduct takes place wholly outside of New York. For purposes of this article, commercial conduct takes place wholly outside of New York if the business collected that information while the consumer was outside of New York, no part of the sale of the consumer's personal information occurred in New York, and no personal information collected while the consumer was in New York is sold. This paragraph shall not prohibit a business from storing, including on a device, personal information about a consumer when the consumer is in New York and then collecting that personal information when the consumer and stored personal information is outside of New York; or

(b) personal information described in this subdivision shall only be used for the purposes described in this subdivision and shall not be used or disclosed for any other purpose, including, but not limited to, marketing purposes.

5. Beginning on a date established by regulation by the office, after a consumer has submitted a deletion request and a data broker has deleted such consumer's data pursuant to this section, such data broker shall delete all personal information of such consumer at least once every forty-five days pursuant to this section unless such consumer requests otherwise or such deletion is not required pursuant to subdivision four of this section.

6. Beginning on a date established by regulation by the office, after a consumer has submitted a deletion request and a data broker has deleted such consumer's data pursuant to this section, such data broker shall not sell or share new personal information of such consumer unless such consumer requests otherwise or selling or sharing such personal information is permitted under subdivision four of this section.

7. Beginning January first, two thousand twenty-nine, or by such other date that may be established by regulation by the office, and every three years thereafter, a data broker shall undergo an audit by an independent third party to determine compliance with this section. The data broker shall submit a report resulting from the audit and any related materials to the office within five business days of receiving a written request from the office. A data broker shall maintain the report and materials described in this paragraph for at least six years.

§ 1805. Data broker website disclosure requirements. 1. On or before July first following each calendar year, or by such other date as the office may establish by regulation in which a business meets the definition of a data broker as provided in this article, the business shall clearly and conspicuously post their privacy policy on their website as well as do all of the following:

(a) Disclose the number of consumer deletion requests made to the data broker pursuant to section eighteen hundred four of this article;

(b) Disclose the median and the mean number of days within which the data broker substantively responded to consumer deletion requests during the previous calendar year; and

(c) Disclose the metrics compiled pursuant to paragraphs (a) and (b) of this subdivision within the data broker's privacy policy posted on their internet website and accessible from a link included in the data broker's privacy policy.

2. In its disclosure pursuant to subdivision one of this section, a data broker shall disclose the number of consumer deletion requests that the data broker denied in whole or in part because of any of the following:

(a) The request was not verifiable;

(b) The request was not made by a consumer;

(c) The request called for information exempt from deletion; or

(d) The request was denied on other grounds.

3. In its disclosure pursuant to subdivision one of this section, a data broker shall specify the number of consumer deletion requests in which deletion was not required in whole, or in part, under a relevant section of this article.

4. A data broker shall provide in a form that is reasonably accessible to consumers, at least two or more designated methods for submitting deletion requests to such data broker directly. Such forms may include a toll-free telephone number, email or electronic submission via the data broker's internet website.

§ 1806. Rulemaking. The office shall adopt rules and regulations to implement the provisions of this article.

§ 1807. Powers, duties and adjudicatory proceedings. 1. In connection with the implementation and enforcement of this article, the office shall have the following powers and duties:

(a) to hold hearings, subpoena witnesses, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or records relative to the inquiry, provided that subpoena issued under this section shall be regulated by the civil practice law and rules;

(b) to appoint such advisory groups and committees as deemed necessary to provide assistance to the office to carry out the purposes and objectives of this article;

(c) to enter into contracts, memoranda of understanding, and agreements as deemed appropriate to effectuate the policy and purpose of this chapter;

(d) to draft declaratory rulings, guidance and industry advisories; and

(e) to delegate the powers provided in this section to such other officers or employees as may be deemed appropriate by the superintendent.

2. (a) The superintendent, or any person designated by the superintendent for the purposes of this subdivision, may issue subpoenas and administer oaths in connection with any hearing or investigation under or pursuant to this article, and it shall be the duty of the superintendent and any persons designated by them for such purpose to issue subpoenas at the request of and upon behalf of the respondent.

(b) The superintendent and those designated by the superintendent shall not be bound by the laws of evidence in the conduct of hearing proceedings, but the determination shall be founded upon preponderance of evidence to sustain it.

(c) Notice and right of hearing as provided in the state administrative procedure act shall be served at least fifteen days prior to the date of the hearing, provided that, whenever because of danger to the public health, safety or welfare it appears prejudicial to the interests of the people of the state to delay action for fifteen days, the superintendent may serve the respondent with an order requiring certain action or the cessation of certain activities immediately or within a specified period of less than fifteen days.

(d) Service of notice of hearing or order shall be made by personal service or by registered or certified mail. Where service, whether by personal service or by registered or certified mail, is made upon an incompetent, partnership, or corporation, it shall be made upon the person or persons designated to receive personal service by article three of the civil practice law and rules.

(e) At a hearing, that to the greatest extent practicable shall be reasonably near the respondent, the respondent may appear personally, shall have the right of counsel, and may cross-examine witnesses against the respondent and produce evidence and witnesses on their behalf.

(f) Following a hearing, the superintendent may make appropriate determinations and issue a final order in accordance therewith.

(g) The superintendent may adopt, amend and repeal administrative rules and regulations governing the procedures to be followed with respect to hearings, such rules to be consistent with the policy and purpose of this chapter and the effective and fair enforcement of its provisions.

(h) The provisions of this section shall be applicable to all hearings held pursuant to this article.

§ 1808. Statute of limitations. No administrative action by the office brought pursuant to this article alleging a violation of any of the provisions of this article shall be commenced more than three years after the date on which the violation occurred.

§ 1809. Enforcement. 1. The superintendent may, after notice and hearing, require any person found violating the provisions of this article or the rules or regulations promulgated hereunder to pay to the people of this state, penalties and expenses as follows:

(a) a fine or civil penalty of two hundred dollars for each day the data broker fails to register or fails to comply with the registration requirements as required by this article;

(b) an amount equal to the monies that were due during the period it failed to register;

(c) a fine or civil penalty of two hundred dollars for each deletion request for each day the data broker fails to delete information as required by section eighteen hundred four or section eighteen hundred five of this article;

(d) a fine or civil penalty of two hundred dollars for each day the data broker fails to comply with the website disclosure requirements as set forth in section eighteen hundred five of this article; and

(e) appropriate expenses incurred by the office in the investigation and administration of the action; or in the case of an action commenced by the attorney general, any expenses incurred by the office, that are deemed appropriate by the court.

2. The superintendent may request the attorney general commence an action in a court of competent jurisdiction to enforce the requirements of this article and to recover the penalties and expenses set forth in paragraphs (a) through (e) of subdivision one of this section.

§ 1810. Assessments. Companies or persons required to be licensed, registered or file with the office pursuant to this article shall be assessed in pro rata shares by the department to defray the operating expenses, including all direct and indirect costs, of administering the obligations imposed by this article.

§ 1811. Exemptions. This article shall not apply to any of the following:

1. Protected health information that is collected by a covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the federal Health Information Technology for Economic and Clinical Health Act, Title XIII of the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

2. A covered entity governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), to the extent the covered entity maintains, uses, and discloses protected health information as described in subdivision one of this section.

3. A business associate of a covered entity governed by the privacy, security, and data breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law

104-191) and the federal Health Information Technology for Economic and Clinical Health Act, Title XIII of the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), to the extent that such business associate maintains, uses, and discloses protected health information as described in subdivision one of this section.

4. Information that meets both of the following conditions:

(a) it is deidentified in accordance with the requirements for deidentification set forth in Section 164.514 of Part 164 of Title 45 of the Code of Federal Regulations; and

(b) it is derived from patient information that was originally collected, created, transmitted, or maintained by an entity regulated by the Health Insurance Portability and Accountability Act or the Federal Policy for the Protection of Human Subjects, also known as the Common Rule.

5. Information that met the requirements of subdivision four of this section but is subsequently reidentified shall no longer be eligible for the exemption in this section, and shall be subject to applicable federal and state data privacy and security laws, including, but not limited to, the Health Insurance Portability and Accountability Act and this title.

6. Information that is collected, used, or disclosed in research, as defined in Section 164.501 of Title 45 of the Code of Federal Regulations, including, but not limited to, a clinical trial, and that is conducted in accordance with applicable ethics, confidentiality, privacy, and security rules of Part 164 of Title 45 of the Code of Federal Regulations, the Federal Policy for the Protection of Human Subjects, also known as the Common Rule, good clinical practice guidelines issued by the International Council for Harmonization, or human subject protection requirements of the United States Food and Drug Administration.

7. A health information network regulated under 10 NYCRR Part 300, including the department of health's designated contractor or a qualified entity under 10 NYCRR § 300.4.

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

(a) "Business associate" has the same meaning as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

(b) "Covered entity" has the same meaning as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

(c) "Identifiable private information" has the same meaning as defined in Section 46.102 of Title 45 of the Code of Federal Regulations.

(d) "Individually identifiable health information" has the same meaning as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

(e) "Protected health information" has the same meaning as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

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

§ 4. This act shall take effect on the one hundred eightieth day after the office of the department of financial services tasked with the implementation of article 48 of the general business law pursuant to such article shall promulgate rules and regulations to effectuate the provisions of this act; provided, however, that such office shall notify the legislative bill drafting commission upon the occurrence of the promulgation of such rules and regulations in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART BB

Section 1. The insurance law is amended by adding a new section 2356 to read as follows:

§ 2356. Premium increase explanations. (a) An insurer shall include on either the premium bill or the declarations page the amount of the premium increase from the prior policy period and a written explanation for the premium increase, including the primary rating factors causing the increase, for a covered policy as defined in paragraph one and in subparagraph (A) of paragraph two of subsection (a) of section three thousand four hundred twenty-five of this chapter, where the total policy premium increase is in excess of ten percent, exclusive of any premium increase due to insured value added.

(b) (1) Except when an insurer provides an explanation pursuant to subsection (a) of this section, an insurer shall include a prominent notice on either the premium bill, the declarations page, or a notice accompanying the premium bill or declarations page, for a policy covering a motor vehicle or a policy covering loss of or damage to real property used predominantly for residential purposes, that states the following: "Policyholders receiving an increase to their premiums at renewal may request a written explanation, including the primary rating factors causing the increase, by contacting their insurers in writing." An insurer shall include its contact information with the prominent notice.

(2) Upon a policyholder's written request at policy renewal, an insurer shall provide a written explanation for the increased premiums, including the primary rating factors causing the increase, for a policy covering a motor vehicle or a policy covering loss of or damage to real property used predominantly for residential purposes. An insurer shall provide the written explanation to the policyholder, including the primary rating factors causing the increase, within twenty days from receipt of the policyholder's written request.

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

PART CC

Section 1. The insurance law is amended by adding a new section 2354 to read as follows:

§ 2354. Homeowners' insurance benchmark loss ratio. (a) Beginning one year after the effective date of this section, an insurer that issues or

delivers in this state a homeowners' insurance policy and had average annual gross written homeowners' insurance premiums in this state of at least ten million dollars during the previous two calendar years shall refile with the superintendent, for the superintendent's prior approval, its homeowners' insurance rates if the insurer had an actual loss ratio for each of the previous two calendar years that is below the benchmark loss ratio specified by the superintendent in a regulation. The insurer shall make the filing with the superintendent within sixty days after the insurer files its annual statement.

(b) The superintendent shall conduct a study to determine a benchmark loss ratio for homeowners' insurance for the purpose of subsection (a) of this section.

(c) For the purpose of this section, "homeowners' insurance" means a contract of insurance insuring against the contingencies described in subparagraphs (A), (B), and (C) or subparagraphs (B) and (C) of paragraph two of subsection (a) of section three thousand four hundred twenty-five of this chapter and which is a "covered policy" of personal lines insurance as defined in such paragraph; provided, however, that the coverages provided under subparagraphs (B) and (C) of paragraph two of subsection (a) of section three thousand four hundred twenty-five of this chapter shall not apply where the natural person does not have an insurable interest in the real property, or a portion thereof, or the residential unit in which such person resides.

§ 2. This act shall take effect immediately.

PART DD

Section 1. Subsections 1 and 2 of section 2346 of the insurance law, subsection 1 as amended by chapter 454 of the laws of 1994 and subsection 2 as amended by chapter 637 of the laws of 1993, are amended to read as follows:

1. [~~The superintendent may provide for a~~] An insurer shall offer at least one discount that provides an actuarially appropriate reduction in the rates of fire insurance premiums or the fire insurance component of homeowners insurance premiums applicable to residential real property for fire prevention or mitigation improvements, such as when the real property is equipped with smoke detecting alarm devices, approved sprinkler systems, or fire extinguishers[~~, should a statistically valid study of insurer experience indicate an actuarially significant decrease in losses in the aforementioned circumstances. The reductions provided for shall be proportionally related to the actuarially calculable decrease in losses in the aforementioned circumstances~~].

2. [~~The superintendent may provide for a~~] (a) An insurer shall offer at least one discount that provides an actuarially appropriate reduction in the rates of homeowners insurance premiums applicable to residential real property for each of the following categories of improvements:

(1) theft prevention or mitigation improvements, such as when the real property is equipped with dead-bolt locks[~~, should a statistically valid study of insurer experience indicate an actuarially significant decrease in losses attributable to the use of such a device. The superintendent shall by regulation establish standards for dead-bolt locks for which a reduction may be approved. The reductions provided for shall be proportionally related to the actuarially calculable decrease in losses attributable to the use of such a device~~] or a security system; and

(2) water damage prevention or mitigation improvements, such as a smart water monitor and shutoff device.

(b) An insurer shall offer a discount that provides an actuarially appropriate reduction in the rates of homeowners insurance premiums applicable to residential real property for the installation of a newly constructed roof or a roof replacement and for each of the following wind damage mitigation improvements to the property:

(1) improvements made to roof coverings, such as tiles or shingles, for wind-resistance;

(2) roof deck attachments;

(3) secondary water resistance, including sealing and strengthening a roof deck, roof and gable end vents or covers, and improvements made for water intrusion resistance of attic vents; and

(4) roof to wall connections, including toe nails, clips, strapping, or ties.

(c) To be considered for any discount provided for in paragraph (b) of this subsection, an insurable property shall be certified as constructed in accordance with any building code applicable in this state or New York city, as amended from time-to-time, or such other standards as approved by the superintendent.

§ 2. Section 2346-a of the insurance law, as added by chapter 78 of the laws of 1997, is amended to read as follows:

§ 2346-a. Reduction in rates of certain commercial risk insurance premiums for real property. [~~The superintendent shall provide for~~] (a) An insurer shall offer at least one discount that provides an actuarially appropriate reduction in the rates of fire insurance premiums or the fire insurance component of certain commercial risk insurance, as defined in subparagraph (A) of paragraph forty-seven of subsection (a) of section one hundred seven of this chapter, to a purchaser of such insurance and shall also provide such discount to a public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter, for the loss of or damage to real property equipped with fire prevention or mitigation improvements, such as when the real property is equipped with smoke detecting alarm devices, approved sprinkler systems, or fire extinguishers.

(b) An insurer shall offer at least one discount that provides an actuarially appropriate reduction in the rates of premiums for certain commercial risk insurance, as defined in subparagraph (A) of paragraph forty-seven of subsection (a) of section one hundred seven of this chapter, to a purchaser of such insurance and shall also provide such reduction to a public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter for loss of or damage to real property for each of the following categories of improvements:

(1) theft prevention or mitigation improvements, such as when the real property is equipped with dead-bolt locks or a security system; and

(2) water damage prevention or mitigation improvements, such as a smart water monitor and shutoff device.

(c) An insurer shall offer a discount that provides an actuarially appropriate reduction in the rates of premiums for certain commercial risk insurance, as defined in subparagraph (A) of paragraph forty-seven of subsection (a) of section one hundred seven of this chapter, to a purchaser of such insurance and shall also provide such reduction to a public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter for the loss of or damage to real property for the installation of a newly constructed roof or a roof replacement and for each of the following wind damage mitigation improvements to the property:

(1) improvements made to roof coverings, such as tiles or shingles, for wind-resistance;

(2) roof deck attachments;

(3) secondary water resistance, including sealing and strengthening a roof deck, roof and gable end vents or covers, and improvements made for water intrusion resistance of attic vents; and

(4) roof to wall connections, including toe nails, clips, strapping, or ties.

(d) To be considered for any discount provided for in subsection (c) of this section, an insurable property shall be certified as constructed in accordance with any building code applicable in this state or New York city, as amended from time-to-time, or such other standards as approved by the superintendent.

(e) An insurer shall offer a discount that provides an actuarially appropriate reduction in the rates of premiums for certain commercial risk insurance, as defined in subparagraph (A) of paragraph forty-seven of subsection (a) of section one hundred seven of this chapter, to a purchaser of such insurance and shall also provide such reduction to a public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter for the loss of or damage to real property fitted or retrofitted with hurricane resistant laminated glass windows or doors. The superintendent shall by regulation establish standards for hurricane resistant laminated glass windows and doors, including the safe and secure installation thereof.

§ 3. The insurance law is amended by adding a new section 2354 to read as follows:

§ 2354. Disclosure and reporting of discounts. (a) An insurer that issues or delivers in this state a policy that insures loss of or damage to real property shall specify the nature and the total dollar amount reduction of each discount applied to the policy on the declarations page and specify the nature and percentage of all available discounts that the insurer offers on the policy in a conspicuous notice entitled "DISCOUNT INFORMATION" included with the policy.

(b) An insurer shall report the following information to the superintendent, in a form prescribed by the superintendent, by April first of each year: (1) a list of all discounts offered to insureds during the preceding calendar year, including the nature of the discounts and the discount amounts; and (2) the number of insureds who received each discount during the preceding calendar year and the zip codes in which the insured properties are located.

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

PART EE

Section 1. Subsection (d) of section 5102 of the insurance law, as amended by chapter 955 of the laws of 1984, is amended to read as follows:

(d) "Serious injury" means a personal injury which results in death; dismemberment; significant disfigurement; a fracture; loss of a fetus;

permanent loss of use of a body organ, member, function or system; permanent consequential limitation of use of a body organ or member; **or** significant limitation of use of a body function or system[**~~; or a medically determined injury or impairment of a non-permanent nature which prevents the injured person from performing substantially all of the material acts which constitute such person's usual and customary daily activities for not less than ninety days during the one hundred eighty days immediately following the occurrence of the injury or impairment~~**].

§ 2. Subsection (a) of section 5104 of the insurance law is amended, and a new subsection (d) is added to read as follows:

(a) Notwithstanding any other law, in any action by or on behalf of a covered person against another covered person for personal injuries arising out of negligence in the use or operation of a motor vehicle in this state, there shall be no right of recovery for non-economic loss, except in the case of a serious injury, or for basic economic loss. The owner, operator or occupant of a motorcycle which has in effect the financial security required by article six or eight of the vehicle and traffic law, or which is referred to in subdivision two of section three hundred twenty-one of such law, shall not be subject to an action by or on behalf of a covered person for recovery for non-economic loss, except in the case of a serious injury, or for basic economic loss. **No liability for non-economic loss shall be fixed unless and until the trier of fact has determined the existence of a serious injury. In any action to recover non-economic loss pursuant to this article, the trier of fact shall not determine the question of whether an injury is a serious injury until the trier of fact has determined the party or parties at fault.**

(d) Notwithstanding the foregoing, and other than in an action for damages for injuries resulting in death, recovery for non-economic loss shall be limited to one hundred thousand dollars in the case of a serious injury in any action by or on behalf of a covered person (1) using or operating an uninsured motor vehicle, (2) using or operating a motor vehicle while impaired at the time of the accident and convicted of such, or (3) using or operating a motor vehicle in the commission of a felony, or immediate flight therefrom, at the time of the accident and has been convicted of such felony.

§ 3. Section 1411 of the civil practice law and rules, as added by chapter 69 of the laws of 1975, is amended to read as follows:

§ 1411. Damages recoverable when contributory negligence or assumption of risk is established. [**~~In~~**] **(a) Except as provided in subsection (b) of this section, in** any action to recover damages for personal injury, injury to property, or wrongful death, the culpable conduct attributable to the claimant or to the decedent, including contributory negligence or assumption of risk, shall not bar recovery[**~~, but the~~**]**. The** amount of damages otherwise recoverable shall be diminished in the proportion which the culpable conduct attributable to the claimant or decedent bears to the culpable conduct which caused the damages.

(b) In any action to recover damages for personal injury subject to article fifty-one of the insurance law, the culpable conduct attributable to the claimant shall bar recovery if the culpable conduct attributable to the claimant is greater than the culpable conduct of the person against whom recovery is sought or is greater than the combined culpable conduct of the persons against whom recovery is sought.

§ 4. Subdivision 6 of section 1602 of the civil practice law and rules is REPEALED.

§ 5. This act shall take effect immediately and shall be applicable to all actions and proceedings commenced on or after such date.

PART FF

Section 1. Subsection (a) of section 405 of the insurance law, as amended by section 7 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(a) Any person licensed or registered pursuant to the provisions of this chapter, and any person engaged in the business of insurance or life settlement in this state who is exempted from compliance with the licensing requirements of this chapter, including the state insurance fund of this state, who has reason to believe that an insurance transaction or life settlement act may be fraudulent, or has knowledge that a fraudulent insurance transaction or fraudulent life settlement act is about to take place, or has taken place shall, within [~~thirty~~] **sixty** days after determination by such person that the transaction appears to be fraudulent, send to the superintendent on a form prescribed by the superintendent, the information requested by the form and such additional information relative to the factual circumstances of the transaction and the parties involved as the superintendent may require. The superintendent shall accept reports of suspected fraudulent insurance transactions or fraudulent life settlement acts from any self insurer, including but not limited to self insurers providing health insurance coverage or those defined in section fifty of the workers' compensation law, and shall treat such reports as any other received pursuant to this section.

§ 2. Subsection (a) of section 5106 of the insurance law is amended to read as follows:

(a) Payments of first party benefits and additional first party benefits shall be made as the loss is incurred. Such benefits are overdue if not paid within thirty days after the claimant supplies proof of the fact and amount of loss sustained. If proof is not supplied as to the entire claim, the amount which is supported by proof is overdue if not paid within thirty days after such proof is supplied. **The failure of an insurer to make timely payment or issue a denial within thirty days after proof of claim has been submitted to the insurer shall not preclude the insurer from issuing a denial or asserting a defense after the thirty-day period has elapsed.** All overdue payments shall bear interest at the rate of two percent per month. If a valid claim or portion was overdue, the claimant shall also be entitled to recover [~~his~~] **the claimant's** attorney's reasonable fee, for services necessarily performed in connection with securing payment of the overdue claim, subject to limitations promulgated by the superintendent in regulations.

§ 3. This act shall take effect immediately and the amendments to subsection (a) of section 5106 of the insurance law made by section two of this act shall apply to claims submitted to an insurer on or after such effective date.

PART GG

Section 1. The insurance law is amended by adding a new section 346 to read as follows:

§ 346. Annual report on insurance for multi-family buildings. An authorized insurer that issues or delivers in this state a policy that insures loss of or damage to real property used predominantly for resi-

dential purposes and that consists of two or more dwelling units, other than hotels and motels, shall file a report with the superintendent by March first of each year, in a form prescribed by the superintendent, that includes information on such policies for the preceding calendar year, including premiums collected, claims paid, and such other information as the superintendent shall deem necessary, in consultation with the commissioner of housing and community renewal. The superintendent shall publish on the department's website the reports required by this section.

§ 2. This act shall take effect immediately.

PART HH

Section 1. This Part enacts into law components of legislation relating to pre-authorization, access to specialty care, and formulary lists. Each component is wholly contained within a Subpart identified as Subparts A through D. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section two of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Section 210 of the insurance law, as amended by chapter 579 of the laws of 1998, subsection (d) as amended by chapter 207 of the laws of 2019, is amended to read as follows:

§ 210. Annual consumer guide of health insurers, and entities certified pursuant to article forty-four of the public health law.

(a) The superintendent shall annually publish on or before September first, nineteen hundred ninety-nine, and annually thereafter, a consumer guide to insurers providing managed care products, individual accident and health insurance or group or blanket accident and health insurance and entities licensed pursuant to article forty-four of the public health law providing comprehensive health service plans which includes, in detail, a ranking from best to worst based upon each company's claim processing or medical payments record during the preceding calendar year using criteria available to the department, adjusted for volume of coverage provided. Such ranking shall also take into consideration the corresponding total number or percentage of claims denied which were reversed or compromised after intervention by the department and the department of health, consumer complaints to the department and the department of health, violations of section three thousand two hundred twenty-four-a of this chapter and other pertinent data which would permit the department to objectively determine a company's performance. The department in publishing such consumer guide shall publish one state-wide guide or no more than five regional guides so as to facilitate comparisons among individual insurers and entities within a service market area. Such rankings shall be printed in a format which ranks all health insurers and all entities certified pursuant to article forty-four of the public health law in one combined list.

(b) [~~Beginning September first, nineteen hundred ninety-nine and annually thereafter, the~~] The superintendent shall include in such guide

annually, and insurers and entities certified pursuant to article forty-four of the public health law shall provide to the superintendent the information required for such guide in a timely fashion, the following information:

(1) The number of grievances filed pursuant to section forty-four hundred eight-a of the public health law**, section three thousand two hundred seventeen-d of this chapter, section four thousand three hundred six-c of this chapter,** or article forty-eight of this chapter and the number of such grievances in which an adverse determination of the insurer or entity was reversed in whole or in part versus the number of such determinations which were upheld; [~~and~~]

(2) **Beginning September first, two thousand twenty-seven, the number of approvals and the number of adverse determinations in whole or part issued by utilization review agents pursuant to section forty-nine hundred three of the public health law or section four thousand nine hundred three of this chapter; and**

(3) The number of appeals to utilization review determinations [~~which~~] **that** were filed pursuant to [~~article forty-nine of the public health law or article forty-nine~~] **section forty-nine hundred four of the public health law and section four thousand nine hundred four** of this chapter and the number of such determinations [~~which~~] **that** were reversed **in whole or in part** versus the number of such determinations [~~which~~] **that** were upheld.

(c) Beginning September first, nineteen hundred ninety-nine and annually thereafter, in addition to the information required in subsections (a) and (b) of this section, the superintendent, in conjunction with the commissioner of health, in consultation with the National Committee on Quality Assurance or a similar national organization, shall include in such guide the following additional information, for the most recent year in which such information is available and where applicable, for health insurers, health insurers providing managed care products and entities certified under article forty-four of the public health law providing comprehensive health service plans pursuant to such article:

(1) the percentage of physicians who are either board certified or board eligible;

(2) the percentage of primary care physicians who remained participating providers, provided however, that such percentage shall exclude voluntary terminations due to physician retirement, relocation or other similar reasons;

(3) the percentage of enrollees aged twenty-three to thirty-nine and forty to sixty-four who had one or more visits to a health plan practitioner during the three years of their continual enrollment.

(4) the methods used to compensate primary care physicians and other providers, provided however, that nothing in this section shall be construed to require disclosure of the specific details of any financial arrangement between the insurer or entity and an individual provider or practice;

(5) the national accreditation status of insurers and entities, where applicable;

(6) indices of the quality of care provided, such as the rates of mammography, prostate, and cervical cancer screening, prenatal care, well-child care, immunization and such other information collected by the commissioner of health through the health plan employer data and information set (HEDIS); or through the quality assurance reporting requirements for entities not otherwise required to collect and report health plan employer data and information set (HEDIS) data;

(7) the results of a consumer satisfaction survey among enrollees of the various health insurers and entities, which shall be conducted by the superintendent and commissioner of health, in consultation with the National Committee on Quality Assurance or a similar national organization;

(8) a toll-free telephone number for each health insurer or plan;

(9) toll-free telephone numbers at the department and the department of health to which consumers can make complaints about insurers or entities; and

(10) except as required in paragraph seven of this subsection, health insurers and entities certified pursuant to article forty-four of the public health law shall report the information required under this subdivision to the commissioner of health, and the commissioner shall provide such information to the superintendent for inclusion in the annual consumer guide.

(d) **Beginning September first, two thousand twenty-seven and annually thereafter, in addition to the information required in subsections (a), (b), and (c) of this section, the superintendent shall include in such guide, and insurers and entities certified pursuant to article forty-four of the public health law shall provide to the superintendent, in a form and manner specified by the superintendent, the information required for such guide in a timely fashion, the following information regarding pre-authorization requests under article forty-nine of the public health law or article forty-nine of this chapter:**

(1) the number of pre-authorization requests received under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(2) the number of pre-authorization requests for which an authorization was issued under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(3) the number of pre-authorization requests for which an adverse determination was issued in whole or part under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(4) the number of pre-authorization requests for which an adverse determination was appealed under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter;

(5) the number of pre-authorization requests for which an adverse determination was reversed on appeal in whole or part under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter;

(6) the number of pre-authorization requests for which an adverse determination was upheld under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter;

(7) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests and the percentage of authorizations for each of these current procedural terminology codes under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(8) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests for which an authorization was issued under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(9) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter for which an adverse determination was issued in whole or part but that was reversed by an appeal, in whole or part, under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter; and

(10) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests for which an adverse determination was issued in whole or part under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter.

(e) Health insurers and entities certified pursuant to article forty-four of the public health law shall provide annually to the superintendent and the commissioner of health, and the commissioner of health shall provide to the superintendent by March first of each year, all of the information necessary for the superintendent to produce the annual consumer guide. In compiling the guide, the superintendent shall make every effort to ensure that the information is presented in a clear, understandable fashion [~~which~~] that facilitates comparisons among individual insurers and entities, and in a format [~~which~~] that lends itself to the widest possible distribution to consumers. The superintendent shall either include the information from the annual consumer guide in the consumer shopping guide required by subsection (a) of section four thousand three hundred twenty-three of this chapter or combine the two guides as long as consumers in the individual market are provided with the information required by subsection (a) of section four thousand three hundred twenty-three of this chapter.

[~~(e)~~] (f) The superintendent shall contract with a national organization for the purposes of drafting and designing the guide, including the preparation of relevant explanatory material. Such organization shall have actual experience in preparing a similar guide for at least one other state. The superintendent, in consultation with the commissioner of health, may also contract with one or more national organizations to assist such commissioner in the collection of data and the analysis and auditing of the clinical measurers. Such organizations shall consult periodically with associations representing health insurers and health maintenance organizations as well as with consumer representatives in New York in preparing the consumer guide.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Subsection (f) of section 4804 of the insurance law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

(f) If a new insured whose health care provider is not a member of the insurer's in-network benefits portion of the provider network enrolls in the managed care product, the insurer shall permit the insured to continue an ongoing course of treatment with the insured's current health care provider during a transitional period of up to [~~sixty~~] ninety days from the effective date of enrollment[~~, if (1) the insured has a life-threatening disease or condition or a degenerative and disabling disease or condition or (2)~~]. If the insured [~~has entered the second trimester of pregnancy~~] is pregnant at the time of enrollment, [~~in which case~~] the transitional period shall include the provision of [~~post-partum~~] care for the duration of the pregnancy and postpartum care directly

related to the delivery. If an insured elects to continue to receive care from such health care provider pursuant to this paragraph, such care shall be authorized by the insurer for the transitional period only if the health care provider agrees: (A) to accept reimbursement from the insurer at rates established by the insurer as payment in full, which rates shall be no more than the level of reimbursement applicable to similar providers within the in-network benefits portion of the insurer's network for such services; (B) to adhere to the insurer's quality assurance requirements and agrees to provide to the insurer necessary medical information related to such care; and (C) to otherwise adhere to the insurer's policies and procedures including, but not limited to, procedures regarding referrals and obtaining pre-authorization and a treatment plan approved by the insurer. In no event shall this subsection be construed to require an insurer to provide coverage for benefits not otherwise covered or to diminish or impair pre-existing condition limitations contained within the insured's contract.

§ 2. Paragraph (f) of subdivision 6 of section 4403 of the public health law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

(f) If a new enrollee whose health care provider is not a member of the health maintenance organization's provider network enrolls in the health maintenance organization, the organization shall permit the enrollee to continue an ongoing course of treatment with the enrollee's current health care provider during a transitional period of up to [~~sixty~~] ninety days from the effective date of enrollment[~~, if (i) the enrollee has a life-threatening disease or condition or a degenerative and disabling disease or condition or (ii)~~]. If the enrollee [~~has entered the second trimester of pregnancy~~] is pregnant at the effective date of enrollment, [~~in which case~~] the transitional period shall include the provision of [~~post-partum~~] care for the duration of the pregnancy and postpartum care directly related to the delivery. If an enrollee elects to continue to receive care from such health care provider pursuant to this paragraph, such care shall be authorized by the health maintenance organization for the transitional period only if the health care provider agrees: (A) to accept reimbursement from the health maintenance organization at rates established by the health maintenance organization as payment in full, which rates shall be no more than the level of reimbursement applicable to similar providers within the health maintenance organization's network for such services; (B) to adhere to the organization's quality assurance requirements and agrees to provide to the organization necessary medical information related to such care; and (C) to otherwise adhere to the organization's policies and procedures including, but not limited to, procedures regarding referrals and obtaining pre-authorization and a treatment plan approved by the organization. In no event shall this paragraph be construed to require a health maintenance organization to provide coverage for benefits not otherwise covered or to diminish or impair pre-existing condition limitations contained within the subscriber's contract.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified, or amended on or after such date.

SUBPART C

Section 1. Subsection (a) of section 3242 of the insurance law, as added by section 1 of subpart C of part J of chapter 57 of the laws of 2019, is amended to read as follows:

(a) Every insurer that delivers or issues for delivery in this state a policy that provides coverage for prescription drugs shall, with respect to the prescription drug coverage, publish an up-to-date, accurate, and complete list of all covered prescription drugs on its formulary drug list, including any tiering structure that it has adopted and any restrictions on the manner in which a prescription drug may be obtained, in a manner that is easily accessible to insureds [~~and~~], prospective insureds**, health care providers, and other interested parties**. The formulary drug list shall clearly identify the preventive prescription drugs that are available without annual deductibles or coinsurance, including co-payments. **A formulary drug list shall only be considered easily accessible if:**

(1) it can be viewed on the insurer's public website without requiring an individual to create or access an account or enter a password or to be covered under an insurance policy issued by the insurer; and

(2) an individual can easily discern which formulary drug list applies to which plan, if an insurer offers more than one plan.

§ 2. Subsection (a) of section 4329 of the insurance law, as added by section 2 of subpart C of part J of chapter 57 of the laws of 2019, is amended to read as follows:

(a) Every corporation subject to the provisions of this article that issues a contract that provides coverage for prescription drugs shall, with respect to the prescription drug coverage, publish an up-to-date, accurate, and complete list of all covered prescription drugs on its formulary drug list, including any tiering structure that it has adopted and any restrictions on the manner in which a prescription drug may be obtained, in a manner that is easily accessible to insureds [~~and~~], prospective insureds**, health care providers, and other interested parties**. The formulary drug list shall clearly identify the preventive prescription drugs that are available without annual deductibles or coinsurance, including co-payments. **A formulary drug list shall only be considered easily accessible if:**

(1) it can be viewed on the corporation's public website without requiring an individual to create or access an account or enter a password or to be covered under an insurance policy issued by the corporation; and

(2) an individual can easily discern which formulary drug list applies to which plan, if a corporation offers more than one plan.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified or amended on or after such date.

SUBPART D

Section 1. Subsection (b-3) of section 4900 of the insurance law is relettered subsection (b-4) and a new subsection (b-3) is added to read as follows:

(b-3) "Chronic health condition" means a condition that is expected to last for at least one year and requires ongoing treatment to effectively manage the condition or prevent an adverse health event.

§ 2. Subsection (f) of section 4905 of the insurance law, as added by chapter 705 of the laws of 1996, is amended read as follows:

(f) Utilization review shall not be conducted more frequently than is reasonably required to assess whether the health care services under review are medically necessary **provided, however, that utilization review shall not be conducted more than once per year for a course of treatment for a chronic health condition starting from the date of a pre-authorization approval for the course of treatment**.

§ 3. Subdivision 2-c of section 4900 of the public health law is renumbered subdivision 2-d and a new subdivision 2-c is added to read as follows:

(2-c) "Chronic health condition" means a condition that is expected to last for at least one year and requires ongoing treatment to effectively manage the condition or prevent an adverse health event.

§ 4. Subdivision 6 of section 4905 of the public health law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

6. Utilization review shall not be conducted more frequently than is reasonably required to assess whether the health care services under review are medically necessary **provided, however, that utilization review shall not be conducted more than once per year for a course of treatment for a chronic health condition starting from the date of a pre-authorization approval for the course of treatment**.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified, or amended on or after such date.

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

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A through D of this act shall be as specifically set forth in the last section of such Subparts.

PART II

Section 1. Section 2336 of the insurance law is amended by adding a new subsection (i) to read as follows:

(i) (1) Any schedule or rating plan for motor vehicle insurance submitted to the superintendent shall provide for an actuarially appropriate reduction in premium charges for bodily injury liability, property damage liability, personal injury protection, medical payments, and collision coverage with respect to a motor vehicle equipped with a dashboard camera. A "dashboard camera" means a dashboard-mounted video recording device capable of continuous loop recording with a minimum resolution of 1080p, designed to capture footage of the road ahead of the motor vehicle.

(2) To qualify for the discount, an insurer shall require that the policyholder submit proof of installation and operation of the dashboard camera. A policyholder's failure to maintain an operational dashboard camera shall result in the forfeiture of the discount at the next policy renewal, unless the insurer reinstates the discount upon proof of compliance.

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

PART JJ

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

ARTICLE XIV-AA

STUDENT LOAN PROTECTIONS AND DISCLOSURES

Section 726. Definitions.
727. Cosigner release.
728. Required communications from private student lenders.
729. Documents and records.
730. Other requirements applicable to cosigners.
731. Required disclosures.
732. Enforcement and penalties.
733. Rules and regulations.
734. Severability.

§ 726. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Borrower" has the same meaning as set forth in section seven hundred ten of this chapter; provided, however, for purposes of sections seven hundred twenty-seven, seven hundred twenty-eight, and seven hundred twenty-nine of this article, the term "borrower" shall exclude a cosigner.

2. "Cosigner" means an individual who is liable for the loan obligation of another, regardless of how the individual is designated in the loan contract or instrument with respect to that obligation, including an obligation under a private student loan extended to consolidate a borrower's preexisting private student loan. "Cosigner" includes an individual whose signature is requested as a condition to grant credit or forbear a collection. "Cosigner" does not include a spouse of a borrower or cosigner whose signature is needed solely to perfect the security interest in the loan.

3. "Cosigner release" means the act of releasing a cosigner from their obligations relating to a student loan.

4. "Exempt organization" has the same meaning as set forth in section seven hundred ten of this chapter.

5. "Federal student loan" means a student loan made, insured, or guaranteed under Title IV of the Higher Education Act of 1965 (20 U.S.C. §§ 1070 et seq.).

6. "Private student lender" means any person or entity, including an educational institution, that is not an exempt organization and is:

(a) engaged in the business of making or acquiring private student loans; or

(b) an administrative or collateral agent of a private student lender, including a student loan servicer.

7. "Private student loan" means a student loan that is not made, insured, or guaranteed under Title IV of the Higher Education Act of 1965 (20 U.S.C. §§ 1070 et seq.).

8. "Student loan" has the same meaning as set forth in section seven hundred ten of this chapter.

9. "Student loan servicer" has the same meaning as set forth in section seven hundred ten of this chapter.

§ 727. Cosigner release. 1. (a) A private student lender that makes or acquires any private student loans with a cosigner shall disclose, clearly and conspicuously in writing, in a form that the consumer may keep, the specific and reasonable criteria for cosigner release.

(b) The private student lender shall provide the disclosures required by this section prior to execution of the private student loan agreement by the borrower and shall provide them together with any other disclosures.

(c) The disclosures required by this section may be provided to the consumer in electronic form.

2. (a) For any private student loan made after the effective date of this section, a private student lender shall not require proof of more than twenty-four consecutive, on-time payments as part of the criteria for cosigner release.

(b) A borrower who has paid the equivalent of twenty-four months of principal and interest payments within any twenty-four-month period is deemed to have satisfied the consecutive, on-time payment requirement even if the borrower has not made payments monthly during the twenty-four-month period.

3. Within thirty days after the borrower has met the payment criteria to be eligible for cosigner release, the private student lender shall send the borrower and cosigner a written notification by United States mail that they have met the payment requirements for cosigner release. For a borrower or cosigner who has elected to receive electronic communications from the private student lender, the private student lender shall send such notification in all electronic communication formats for which the private student lender has the borrower's or cosigner's contact information. The notification shall disclose any additional requirements for the borrower or cosigner to qualify for cosigner release and the process for meeting those requirements and applying for cosigner release.

4. A private student lender shall provide written notice to a borrower and cosigner within thirty days after receipt of an incomplete application for cosigner release from such borrower or cosigner that the application is incomplete. Such written notice shall describe the information needed to complete the application and the date by which the applicant must provide the missing information, which shall be a minimum of thirty days after such notice is sent to the borrower and cosigner.

5. Within thirty days after a borrower or cosigner submits a complete application for cosigner release to a private student lender, the private student lender shall send the borrower and cosigner a written notice of either the approval or denial of the cosigner release application. A notice of a denial of an application issued pursuant to this subdivision shall describe with specificity the reason for the denial and any action the borrower or cosigner must take to obtain approval.

§ 728. Required communications from private student lenders. 1. Prior to originating a private student loan, a private student lender shall provide to all cosigner applicants information about the rights and responsibilities of the cosigner of the loan, including:

(a) how the private student lender will furnish information about the cosigner's private student loan obligation to credit reporting agencies;

(b) how the cosigner will be notified if the private student loan becomes delinquent and how the cosigner can cure the delinquency to

avoid negative credit reporting and loss of cosigner release eligibility;

(c) whether the private student lender offers cosigner release;

(d) all criteria for cosigner release, including the number of payments for the private student lender to release the cosigner from the loan obligation; and

(e) the process for applying for cosigner release.

2. Private student lenders shall send to borrowers and cosigners annual written notices containing all information about cosigner release set forth in subdivision one of this section.

3. Private student lenders shall send to borrowers and cosigners written notices containing information about cosigner release set forth in subdivision one of this section, upon request of the borrower or cosigner.

§ 729. Documents and records. 1. A private student lender shall keep documents and records for each private student loan sufficient to demonstrate the extent to which the borrower and the cosigner have fulfilled the private student lender's criteria for cosigner release, including any requirement for monthly payments.

2. (a) A private student lender shall make available to a cosigner of a private student loan all documents and records related to that private student loan that the private student lender has made available to the borrower.

(b) If a private student lender offers electronic access to documents and records to a borrower of a private student loan, it shall offer equivalent electronic access to any cosigner of that private student loan.

3. Within fifteen days of receiving a request, whether oral or written, from a borrower or cosigner in relation to a private student loan for redaction of the requesting obligor's contact information from communications to any other obligor of such private student loan, the private student lender shall so redact the contact information of the requesting obligor.

§ 730. Other requirements applicable to cosigners. 1. A student lender shall not impose any restriction on any borrower or cosigner that may permanently preclude cosigner release, including by restricting the number of times a borrower or cosigner may apply for cosigner release.

2. If a borrower or cosigner makes any request for action that would negatively affect eligibility for cosigner release, the private student lender shall so notify the borrower and cosigner in writing within ten days and grant the borrower or cosigner no less than thirty days to rescind, withdraw, or cancel the request.

§ 731. Required disclosures. 1. In connection with refinancing of one or more student loans at least one of which is a federal student loan, the private student lender shall disclose to the borrower, clearly and conspicuously, contemporaneously with the provision of an application to the borrower or with a solicitation for a private student loan if no application is required or provided, benefits that the borrower may be forfeiting by refinancing a federal student loan, including income-driven repayment options, opportunities for loan forgiveness, forbearance or deferment options, interest subsidies, and tax benefits.

2. Contemporaneously with the approval of a private student loan application, and before the loan transaction is consummated, the private student lender shall disclose to the borrower, clearly and conspicuously:

(a) a list containing each student loan to be refinanced, which shall identify whether the student loan is a private student loan or a federal student loan; and

(b) benefits that the borrower may be forfeiting by refinancing a federal student loan, including income-driven repayment options, opportunities for loan forgiveness, forbearance or deferment options, interest subsidies, and tax benefits.

§ 732. Enforcement and penalties. 1. Without limiting any power granted to the superintendent under any other provision of this chapter, the superintendent may, after notice and hearing, require any person found violating the provisions of this article or the rules or regulations promulgated hereunder to pay to the people of this state a penalty not to exceed: (a) two thousand five hundred dollars for each violation and for each day during which such violation continues, or, in connection with such violation, for each day a disclosure or notice mandated by this article continues not to be provided to a borrower; or (b) where such violation is willful, ten thousand dollars for each violation and for each day during which such violation continues, or, in connection with such violation, for each day a disclosure or notice mandated by this article continues not to be provided to a borrower.

2. The superintendent shall not impose or collect any penalty under section forty-four of this chapter in addition to any penalty for the same act or omission that is imposed under this section.

§ 733. Rules and regulations. In addition to such powers as may otherwise be prescribed by this chapter, the superintendent of financial services is hereby authorized and empowered to promulgate such rules and regulations as may in the judgment of the superintendent be consistent with the purposes of this article, or appropriate for the effective administration of this article.

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

§ 2. This act shall take effect one year after it shall have become a law.

PART KK

Section 1. Section 2329 of the insurance law, as amended by chapter 182 of the laws of 2023, is amended to read as follows:

§ 2329. Motor vehicle insurance rates; excess profits. In accordance with regulations prescribed by the superintendent, each insurer issuing policies that are subject to article fifty-one of this chapter, including policies of motor vehicle personal injury liability insurance or policies of motor vehicle property damage liability insurance or insurance for loss or damage to a motor vehicle, shall establish a fair, practicable, and nondiscriminatory plan for refunding or otherwise crediting to those purchasing such policies their share of the insurer's excess profit, if any, on such policies. An excess profit shall be a profit beyond a percentage rate of return on net worth attributable to such policies, computed in accordance with the regulation required by section two thousand three hundred twenty-three of this article, and determined by the superintendent to be so far above a reasonable average profit as to amount to an excess profit, taking into consideration the

fact that losses or profits below a reasonable average profit will not be recouped from such policyholders. Each plan shall apply to policy periods for the periods January first, nineteen hundred seventy-four through August second, two thousand one, and the effective date of the property/casualty insurance availability act through June thirtieth, two thousand [~~twenty-six~~] twenty-nine. In prescribing such regulations the superintendent may limit the duration of such plans, waive any requirement for refund or credit that the superintendent determines to be de minimis or impracticable, adopt forms of returns that shall be made to the superintendent in order to establish the amount of any refund or credit due, establish periods and times for the determination and distribution of refunds and credits, and shall provide that insurers receive appropriate credit against any refunds or credits required by any such plan for policyholder dividends and for return premiums that may be due under rate credit or retrospective rating plans based on experience.

§ 2. This act shall take effect immediately.

PART LL

Section 1. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 1 of part S of chapter 58 of the laws of 2025, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, [~~2026~~] 2027 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a displaced worker shall be eligible for continuation assistance retroactive to July 1, 2004.

§ 2. This act shall take effect immediately.

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

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through LL of this act shall be as specifically set forth in the last section of such Parts.