

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:

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

PART A

14 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003,
15 amending the vehicle and traffic law and other laws relating to increas-
16 ing certain motor vehicle transaction fees, as amended by section 1 of
17 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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 § 2. This act shall take effect one year after it shall have become a
52 law and shall expire April 1, 2031, when upon such date the provisions
53 of this act shall be deemed repealed. Effective immediately, the addi-
54 tion, amendment and/or repeal of any rule or regulation necessary for
55 the implementation of this act on its effective date are authorized to
56 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

1 law, motor carrier investigator as defined in section one hundred twen-
2 ty-four-a of the vehicle and traffic law, motor vehicle inspector as
3 defined in section one hundred twenty-four-b of the vehicle and traffic
4 law, prosecutor as defined in subdivision thirty-one of section 1.20 of
5 the criminal procedure law, sanitation enforcement agent, New York city
6 sanitation worker, public health sanitarian, New York city public health
7 sanitarian, registered nurse, licensed practical nurse, emergency
8 medical service paramedic, or emergency medical service technician, [~~he~~
9 ~~or she~~] such person causes physical injury to such train operator, tick-
10 et inspector, conductor, signalperson, bus operator, station agent,
11 station cleaner, terminal cleaner, station customer assistant, traffic
12 checker; person whose official duties include the sale or collection of
13 tickets, passes, vouchers or other revenue payment media for use on a
14 train, bus, or ferry or the collection or handling of revenues there-
15 from; a person whose official duties include the construction, mainte-
16 nance, repair, inspection, troubleshooting, testing or cleaning of buses
17 or ferries, a transit signal system, elevated or underground subway
18 tracks, transit station or transportation structure, including fare
19 equipment, escalators, elevators and other equipment necessary to
20 passenger service, commuter rail tracks or stations, train yard, revenue
21 train in passenger service, a ferry station, or a train or bus station
22 or terminal, or any roadways, walkways, tunnels, bridges, tolling facil-
23 ities or their supporting systems, buildings or structures; or a super-
24 visor of such personnel, city marshal, school crossing guard appointed
25 pursuant to section two hundred eight-a of the general municipal law,
26 traffic enforcement officer, traffic enforcement agent, motor vehicle
27 license examiner, motor vehicle representative, automotive facilities
28 inspector, highway worker as defined in section one hundred eighteen-a
29 of the vehicle and traffic law, motor carrier investigator as defined
30 in section one hundred twenty-four-a of the vehicle and traffic law,
31 motor vehicle inspector as defined in section one hundred twenty-four-b
32 of the vehicle and traffic law, prosecutor as defined in subdivision
33 thirty-one of section 1.20 of the criminal procedure law, registered
34 nurse, licensed practical nurse, public health sanitarian, New York city
35 public health sanitarian, sanitation enforcement agent, New York city
36 sanitation worker, emergency medical service paramedic, or emergency
37 medical service technician, while such employee is performing [~~an~~
38 ~~assigned duty on, or directly related to,~~] a lawful act related, direct-
39 ly or indirectly, to an employment responsibility, including but not
40 limited to the operation of a train or bus, cleaning of a train or bus
41 station or terminal, assisting customers, checking traffic, the sale or
42 collection of tickets, passes, vouchers, or other revenue media for use
43 on a train, bus, or ferry or maintenance or cleaning of a train, a bus,
44 a ferry, or bus station or terminal, signal system, elevated or under-
45 ground subway tracks, transit station or transportation structure,
46 including fare equipment, escalators, elevators and other equipment
47 necessary to passenger service, commuter rail tracks or stations, train
48 yard or revenue train in passenger service, a ferry station, or such
49 city marshal, school crossing guard, traffic enforcement officer, traf-
50 fic enforcement agent, motor vehicle license examiner, motor vehicle
51 representative, automotive facilities inspector, highway worker as
52 defined in section one hundred eighteen-a of the vehicle and traffic
53 law, motor carrier investigator as defined in section one hundred twen-
54 ty-four-a of the vehicle and traffic law, motor vehicle inspector as
55 defined in section one hundred twenty-four-b of the vehicle and traffic
56 law, prosecutor as defined in subdivision thirty-one of section 1.20 of

1 the criminal procedure law, registered nurse, licensed practical nurse,
2 public health sanitarian, New York city public health sanitarian, sani-
3 tation enforcement agent, New York city sanitation worker, emergency
4 medical service paramedic, or emergency medical service technician is
5 performing an assigned duty; or

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

8 § 120.13-a Menacing a highway worker.

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

15 Menacing a highway worker is a class E felony.

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

18 § 118-a. Highway worker. Any person employed by or on behalf of the
19 state, a county, city, town or village, a public authority, local
20 authority, or public utility company, or the agent or contractor of any
21 such entity, or a flagperson, who has been assigned to perform work on a
22 highway, public highway, roadway, access highway, or qualifying highway,
23 or within the highway right of way. Such work may include, but shall not
24 be limited to, construction, reconstruction, maintenance, improvement,
25 flagging, utility installation, or the operation of equipment. For
26 purposes of this section, the term "highway right of way" shall mean the
27 entire width between the boundary line of all property which has been
28 purchased, appropriated, or designated by the state, a municipal entity,
29 or a public benefit corporation for highway purposes, all property over
30 which the commissioner of transportation, any municipal entity, or
31 public benefit corporation has assumed jurisdiction for highway
32 purposes, and all property that has become part of a highway system
33 through dedication or use, including any property deemed necessary for
34 the maintenance, construction, reconstruction, or improvement of any
35 highway. Such work may include, but shall not be limited to
36 construction, reconstruction, maintenance, improvement, flagging, utili-
37 ty installation, or the operation of equipment.

38 § 124-a. Motor carrier investigator. Any person employed by the
39 department of transportation who has been assigned to perform investi-
40 gations of any motor carriers regulated by the commissioner of transpor-
41 tation.

42 § 124-b. Motor vehicle inspector. Any person employed by the depart-
43 ment of transportation who has been assigned to perform inspections of
44 any motor vehicles regulated by the commissioner of transportation.

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

48 (xviii) for a period of not less than thirty nor greater than one
49 hundred eighty days where the holder is convicted of the crime of
50 assault in the second degree as defined in subdivision eleven of section
51 120.05 of the penal law or assault in the third degree as defined in
52 section 120.00 of the penal law, where such offense was committed
53 against a motor vehicle license examiner, motor vehicle representative,
54 automotive facilities inspector, highway worker, motor carrier investi-
55 gator, 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,

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

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

8 (b) If the commissioner or chair of the thruway authority, Triborough
9 bridge and tunnel authority, or bridge authority establishes a demon-
10 stration program pursuant to subdivision (a) of this section, the owner
11 of a vehicle shall be liable for a penalty imposed pursuant to this
12 section if such vehicle was used or operated with the permission of the
13 owner, express or implied, within a highway construction or maintenance
14 work area located on a [controlled-access] highway, the thruway, Tribor-
15 ough bridge and tunnel authority facilities or bridge authority facili-
16 ties, as applicable in violation of paragraph two of subdivision (d) or
17 subdivision (f), or when other speed limits are in effect in violation
18 of subdivision (b) or (g) or paragraph one of subdivision (d), of
19 section eleven hundred eighty of this article, such vehicle was travel-
20 ing at a speed of more than ten miles per hour above the posted speed
21 limit in effect within such highway construction or maintenance work
22 area, and such violation is evidenced by information obtained from a
23 photo speed violation monitoring system; provided however that no owner
24 of a vehicle shall be liable for a penalty imposed pursuant to this
25 section where the operator of such vehicle has been convicted of the
26 underlying violation of subdivision (b), (d), (f) or (g) of section
27 eleven hundred eighty of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 PART H

33 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016
34 amending the public authorities law and the general municipal law relat-
35 ing to the New York transit authority and the metropolitan transporta-
36 tion authority, as amended by section 1 of part I of chapter 58 of the
37 laws of 2025, is amended to read as follows:

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

44 § 2. This act shall take effect immediately.

45 PART I

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

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

51 2. "125 Street Subway Extension project" shall mean a project within
52 the metropolitan commuter transportation district to be undertaken by

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

7 3. "Subterranean Tunnel Component" shall mean the component of the 125
8 Street Subway Extension Project consisting of construction of a subter-
9 ranean tunnel running from 125 Street and Lenox Avenue west along 125
10 Street past Broadway.

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

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

21 § 2. The Authority shall conduct the applicable environmental review
22 of the Subterranean Tunnel Component in accordance with the provisions
23 of article eight of the environmental conservation law, provided that
24 such environmental review shall not be required to be conducted concur-
25 rent with, or inclusive of, the environmental review specified in
26 section three of this act.

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

34 § 4. (1) The Authority shall not approve, permit, acquire real proper-
35 ty pursuant to the eminent domain procedure law, or undertake any
36 discretionary action required to construct the Subterranean Tunnel
37 Component described in section two of this act, and no agency, as
38 defined in section 8-0105 of the environmental conservation law, shall
39 permit or authorize any activity relating to construction of the Subter-
40 ranean Tunnel Component, until the Authority has completed the applica-
41 ble environmental review required pursuant to section two of this act.

42 (2) The Authority shall not approve, permit, acquire real property
43 pursuant to the eminent domain procedure law, or undertake any discre-
44 tionary action required to construct the other components of the 125
45 Street Subway Extension project described in section three of this act,
46 and no agency, as defined in section 8-0105 of the environmental conser-
47 vation law, shall permit or authorize any activity relating construction
48 of the other components of the 125 Street Subway Extension project,
49 until the Authority has completed the applicable environmental review
50 required pursuant to section three of the act.

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

54 § 5. This act shall take effect immediately.

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

3 § 258-aa. Dairy promotion act. 1. Declaration of policy. It is hereby
4 declared that the dairy industry is a paramount agricultural industry of
5 this state, and is an industry affecting the health and welfare of the
6 inhabitants of the state; that the continued existence of the dairy
7 industry and the continued production of milk on the farms of this state
8 is of vast economic importance to the state and to the health and
9 welfare of the inhabitants thereof; that it is essential, in order to
10 assure such continued production of milk and its handling and distrib-
11 ution, that prices to producers be such as to return reasonable costs of
12 production, and at the same time assure an adequate supply of milk and
13 dairy products to consumers at reasonable prices; and to these ends it
14 is essential that consumers and others be adequately informed as to the
15 dietary needs and advantages of milk and dairy products and as to the
16 economies resulting from the use of milk and dairy products, and to
17 command for milk and dairy products, consumer attention and demand
18 consistent with their importance and value. It is further declared that
19 continued decline in the consumption of fluid milk and some other dairy
20 products will jeopardize the production of adequate supplies of milk and
21 dairy products because of increasing surpluses necessarily returning
22 less to producers; and that continued adequate supplies of milk and
23 dairy products is a matter of vital concern as affecting the health and
24 general welfare of the people of this state. It is therefore declared to
25 be the legislative intent and policy of the state:

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

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

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

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

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

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

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

44 (d) "Milk dealer" means any person who purchases or handles or
45 receives or sells milk, including individuals, partnerships, corpo-
46 rations, cooperative associations, and unincorporated cooperative asso-
47 ciations.

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

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

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

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

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

14 (ii) Producers may vote by individual ballot or through their cooper-
15 atives in accordance with the following procedures:

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

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

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

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

42 (5) The commissioner may appoint a referendum advisory committee to
43 assist and advise the commissioner in the conduct of the referendum.
44 Such committee shall review referendum procedures and the tabulation of
45 results and shall advise the commissioner of its findings. The final
46 certification of the referendum results shall be made by the commission-
47 er. The committee shall consist of not less than three members, none of
48 whom shall be persons directly affected by the promotion order being
49 voted upon. Two members shall be representatives of general farm organ-
50 izations which are not directly affected by the order being voted upon.
51 The members of the committee shall not receive a salary but shall be
52 entitled to actual and reasonable expenses incurred in the performance
53 of their duties.

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

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

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

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

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

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

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

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

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

21 (a) Provision for levying an assessment against all producers subject
22 to the regulation for the purpose of carrying out the provisions of such
23 order and to pay the cost of administering and enforcing such order. In
24 order to collect any such assessments, provision shall be made for each
25 milk dealer who receives milk from producers to deduct the amount of
26 assessment from moneys otherwise due to producers for the milk so deliv-
27 ered. The rate of such assessment shall not exceed two per cent per
28 hundredweight of the gross value of the producer's milk, and there may
29 be credited against any such assessment the amounts per hundredweight
30 otherwise paid by any producer covered by the order by voluntary
31 contribution or otherwise pursuant to any other federal or state milk
32 market order for any similar research promotion or program. Notwith-
33 standing the provisions of paragraph (b) of subdivision three of this
34 section, the commissioner, upon written petition of no less than twen-
35 ty-five per cent of producers in the area, either as individuals or
36 through cooperative representation, may call a hearing for the sole
37 purpose of establishing a new rate of assessment hereunder and may
38 submit a proposed change in the rate of assessment to the producers for
39 acceptance or rejection without otherwise affecting the order. The
40 producers in the area may vote on the proposed rate either as individ-
41 uals or through cooperative representation. Notwithstanding the forego-
42 ing provisions of this paragraph and of paragraph (b) of subdivision
43 three of this section, or the provisions of any order promulgated pursu-
44 ant to this section, the rate of assessment, for any period during which
45 a dairy products promotion and research order established pursuant to
46 the federal dairy and tobacco adjustment act of 1983 is in effect, shall
47 not be less than an amount equal to the maximum credit which producers
48 participating in this state's dairy products promotion or nutrition
49 education programs may receive pursuant to subdivision (g) of section
50 113 of such federal act.

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

1 in the diet and to command, for milk and dairy products, consumer atten-
2 tion consistent with their importance and value.

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

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

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

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

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

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

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

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

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

24 (d) The purchasing power of consumers; and

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

27 6. Interstate orders for compacts. The commissioner is authorized to
28 confer and cooperate with the legally constituted authorities of other
29 states and of the United States with respect to the issuance and opera-
30 tion of joint and concurrent dairy promotion orders or other activities
31 tending to carry out the declared intent of this section. The commis-
32 sioner may join with such other authorities in conducting joint investi-
33 gations, holding joint hearings, and issuing joint or concurrent order
34 or orders complementary to those of the federal government and shall
35 have the authority to employ or designate a joint agent or joint agen-
36 cies to carry out and enforce such joint, concurrent, or supplementary
37 orders.

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

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

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

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

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

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

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

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

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

42 (iii) The preparation and submission to the commissioner of an esti-
43 mated budget required for the proper operation of the order.

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

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

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

51 11. Rules and regulations enforcement. (a) The commissioner may, with
52 the advice and assistance of the advisory board, make and issue such
53 rules and regulations as may be necessary to effectuate the provisions
54 and intent of this section and to enforce the provisions of any dairy
55 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

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

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

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

11 4. "Producer" means any person engaged within this state in the busi-
12 ness of producing, or causing to be produced for any market, any agri-
13 cultural commodity or aquatic product.

14 5. "Handler" means any person engaged in the operation of packing,
15 grading, selling, offering for sale, or marketing any marketable agri-
16 cultural commodities or aquatic products, who as owner, agent or other-
17 wise ships or causes an agricultural commodity to be shipped.

18 6. "Processor" means any person engaged within this state in process-
19 ing, or in the operation of receiving, grading, packing, canning, freez-
20 ing, dehydrating, fermenting, distilling, extracting, preserving, grind-
21 ing, crushing, or in any other way preserving or changing the form of an
22 agricultural product or aquatic product for the purpose of marketing
23 such commodity but shall not include a person engaged in manufacturing
24 from an agricultural commodity or aquatic product another and different
25 product.

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

35 8. "Marketing agreement" means an agreement entered into, with the
36 approval of the commissioner, by producers with distributors, processors
37 and handlers regulating the preparation, sale and handling of agricul-
38 tural commodities or aquatic products.

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

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

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

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

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

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

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

8 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.

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

11 (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.

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

13 (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.

14 (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.

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

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

17 (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.

18 (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.

19 (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.

20 (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

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

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

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

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

16 6. The commissioner may temporarily suspend the operation of an effec-
17 tive marketing order for a continuing period of no longer than one grow-
18 ing and marketing season, if the purposes of this article are deemed
19 unnecessary during such season.

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

23 (a) The quantity of such agricultural commodity available for distrib-
24 ution.

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

27 (c) The cost of producing such agricultural commodity.

28 (d) The purchasing power of consumers.

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

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

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

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

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

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

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

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

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

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

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

51 (iii) The preparation and submission to the commissioner of the esti-
52 mated budget required for the proper operation of the marketing order.

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

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

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

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

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

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

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

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

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

45 PART K

46 Section 1. Paragraph (d) of subdivision 1 of section 210-B of the tax
47 law, as amended by section 1 of part C of chapter 59 of the laws of
48 2023, is amended to read as follows:

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

1 taxpayer otherwise pays tax based on the fixed dollar minimum amount,
2 any amount of credit allowed for a taxable year commencing prior to
3 January first, nineteen hundred eighty-seven and not deductible in such
4 taxable year may be carried over to the following year or years and may
5 be deducted from the taxpayer's tax for such year or years but in no
6 event shall such credit be carried over to taxable years commencing on
7 or after January first, two thousand two, and any amount of credit
8 allowed for a taxable year commencing on or after January first, nine-
9 teen hundred eighty-seven and not deductible in such year may be carried
10 over to the fifteen taxable years next following such taxable year and
11 may be deducted from the taxpayer's tax for such year or years. In lieu
12 of such carryover, (i) any such taxpayer which qualifies as a new busi-
13 ness under paragraph (f) of this subdivision may elect to treat the
14 amount of such carryover as an overpayment of tax to be credited or
15 refunded in accordance with the provisions of section ten hundred eight-
16 y-six of this chapter, and (ii) any such taxpayer that is an eligible
17 farmer, as defined in subdivision eleven of this section, may for taxa-
18 ble years beginning before January first, two thousand [~~twenty-eight~~
19 thirty-three], elect to treat the amount of such carryover as an overpay-
20 ment of tax to be credited or refunded in accordance with the provisions
21 of section one thousand eighty-six of this chapter, provided, however,
22 the provisions of subsection (c) of section ten hundred eighty-eight of
23 this chapter notwithstanding, no interest shall be paid thereon.

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

27 (5) If the amount of credit allowable under this subsection for any
28 taxable year shall exceed the taxpayer's tax for such year, the excess
29 allowed for a taxable year commencing prior to January first, nineteen
30 hundred eighty-seven may be carried over to the following year or years
31 and may be deducted from the taxpayer's tax for such year or years, but
32 in no event shall such credit be carried over to taxable years commenc-
33 ing on or after January first, nineteen hundred ninety-seven, and any
34 amount of credit allowed for a taxable year commencing on or after Janu-
35 ary first, nineteen hundred eighty-seven and not deductible in such year
36 may be carried over to the ten taxable years next following such taxable
37 year and may be deducted from the taxpayer's tax for such year or years.
38 In lieu of carrying over any such excess, (A) a taxpayer who qualifies
39 as an owner of a new business for purposes of paragraph ten of this
40 subsection may, at the taxpayer's option, receive such excess as a
41 refund, and (B) a taxpayer that is an eligible farmer as defined in
42 subsection (n) of this section may, at the taxpayer's option, for taxa-
43 ble years beginning before January first, two thousand [~~twenty-eight~~
44 thirty-three], receive such excess as a refund. Any refund paid pursuant
45 to this paragraph shall be deemed to be a refund of an overpayment of
46 tax as provided in section six hundred eighty-six of this article,
47 provided, however, that no interest shall be paid thereon.

48 § 3. This act shall take effect immediately.

49 PART L

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

53 (ii) loans shall not exceed thirteen thousand dollars per applicant
54 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

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

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

29 PART N

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

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

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

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

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

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

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

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

26 (j) The commission shall require each application for a major change
27 in rates filed by a water-works corporation to include an executive
28 compensation disclosure. Such executive compensation disclosure shall
29 include: (i) the median of the annual total compensation of all employ-
30 ees of the water-works corporation, except the chief executive officer;
31 (ii) the annual total compensation of the chief executive officer; and
32 (iii) the ratio of the amount described in subparagraph (i) of this
33 paragraph to the amount described in subparagraph (ii) of this para-
34 graph.

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

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

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

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

4 (f) Whenever there shall be filed with the commission by any utility
5 any schedule stating a new rate or charge, or any change in any form of
6 contract or agreement or any rule or regulation relating to any rate,
7 charge or service, or in any general privilege or facility, the commis-
8 sion may, at any time within sixty days from the date when such schedule
9 would or has become effective, either upon complaint or upon its own
10 initiative, and, if it so orders, without answer or other formal plead-
11 ing by the utility, but upon reasonable notice, hold a hearing concern-
12 ing the propriety of a change proposed by the filing. If such change is
13 a major change, the commission shall hold such a hearing. Pending such
14 hearing and decision thereon, the commission, upon filing with such
15 schedule and delivering to the utility, a statement in writing of its
16 reasons therefor, may suspend the operation of such schedule, but not
17 for a longer period than ~~[one hundred and twenty days]~~ fourteen months
18 beyond the time when it would otherwise go into effect. After full hear-
19 ing, whether completed before or after the schedule goes into effect,
20 the commission may make such order in reference thereto as would be
21 proper in a proceeding begun after the rate, charge, form of contract or
22 agreement, rule, regulation, service, general privilege or facility had
23 become effective. ~~[If any such hearing cannot be concluded within the~~
24 ~~period of suspension as above stated, the commission may extend the~~
25 ~~suspension for a further period, not exceeding six months.]~~ The commis-
26 sion may, in the exercise of its discretion, establish a multiyear rate
27 plan that sets rates on an annual basis for a period not to exceed two
28 years. Following the establishment of a multiyear rate plan, a utility
29 shall not file for a further change, other than a de minimis change, in
30 any rate or charge to become effective during the established rate plan
31 period. Notwithstanding the previous sentence, if, during a multiyear
32 rate plan period, the commission determines in the exercise of its
33 discretion that a circumstance has arisen that meaningfully threatens a
34 utility's economic viability or the utility's ability to provide safe,
35 adequate, and reliable service, then a utility may file a proposal for a
36 further change in a rate or charge to be effective prior to the end of
37 the multiyear rate plan period. The utility shall support any request
38 for such commission determination through sworn statements and verified,
39 accurate exhibits, and the burden of proof in such a scenario shall
40 remain on the utility. The commission may provide an opportunity for
41 department staff, local governmental entities, and others to respond to
42 the utility's request.

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

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

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

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

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

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

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

18 PART P

19 Section 1. The public service law is amended by adding a new section
20 66-x to read as follows:

21 § 66-x. Energy affordability index. 1. Beginning January first, two
22 thousand twenty-seven, the commission shall require each gas corporation
23 and electric corporation to submit an annual affordability index showing
24 the energy burden of such corporation's residential customers. The
25 commission shall promulgate rules and regulations adopting a methodology
26 for gas corporations and electric corporations to calculate an affor-
27 dability index.

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

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

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

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

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

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

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

15 PART Q

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

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

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

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

44 (a) Such notice shall be served personally on the owner of the prem-
45 ises affected, or in lieu thereof, to the person, firm, or corporation
46 to whom or which the last preceding bill has been rendered and from whom
47 or which the utility has received payment therefor, and to the super-
48 intendent or other person in charge of the building or premises
49 affected, if it can be readily ascertained that there is such super-
50 intendent or other person in charge.

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

1 posted in the public areas of such multiple dwelling, (ii) mailed to the
2 "Occupant" of each unit in that multiple dwelling, (iii) mailed to the
3 local health officer and the director of the social services district
4 for the political subdivision in which the multiple dwelling is located,
5 (iv) if the multiple dwelling is located in a city or a village, mailed
6 to the mayor thereof, or if there be none, to the manager, or, if the
7 multiple dwelling is located in a town, then mailed to the town supervi-
8 sor, and (v) mailed to the county executive of the county in which the
9 multiple dwelling is located, or if there be none, then to the [~~chair-~~
10 ~~man~~] chairperson of such county's legislative body. Notice required by
11 subparagraphs (iv) and (v) of this paragraph may be mailed to the
12 persons specified therein or to their respective designees. The notice
13 required by this paragraph shall state the [~~intended date of discontin-~~
14 ~~uance of service, the~~] amount due for such service, and [~~the procedure~~
15 ~~by which any tenant or public agency may make such payment and thereby~~
16 ~~avoid discontinuance of service~~] that the utility will not discontinue
17 service and shall seek a lien against the owner.

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

21 ~~1 a. Whenever a notice of intention to discontinue utility service has~~
22 ~~been made pursuant to the provisions of this section and obligations~~
23 ~~owed the utility have been satisfied, the utility shall notify, in the~~
24 ~~same manner as it gave such notice of intention, the occupant of each~~
25 ~~unit that the intention to discontinue utility service no longer~~
26 ~~exists.]~~

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

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

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

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

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

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

23 PART R

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

27 5. "Actions" do not include:

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

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

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

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

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

37 (ii) is substantially altered by one or more of the following uses or
38 a combination thereof, whether currently in use, abandoned, or demol-
39 ished: buildings or structures, impervious surfaces, maintained lawns
40 or other non-vegetated maintained areas, or public infrastructure utili-
41 ties;

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

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

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

51 § 2. The opening paragraph of subdivision 4 of section 8-0109 of the
52 environmental conservation law, as amended by chapter 49 of the laws of
53 2023, is amended to read as follows:

1 As early as possible in the formulation of a proposal for an action
2 but not more than one year from the establishment of a lead agency, the
3 responsible agency shall make an initial determination as to whether an
4 environmental impact statement need be prepared for the action. In
5 making such determination for any proposed action the responsible agency
6 shall consider whether such action may cause or increase a dispropor-
7 tionate pollution burden on a disadvantaged community that is directly
8 or significantly indirectly affected by such action. When an action is
9 to be carried out or approved by two or more agencies, such determi-
10 nation shall be made as early as possible after the designation of the
11 lead agency.

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

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

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

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

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

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

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

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

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

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

4 (ii) such actions involve projects that shall be located at a previ-
5 ously disturbed site;

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

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

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

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

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

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

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

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

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

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

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

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

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

42 § 6. Nothing contained in this act shall be interpreted or construed
43 as modifying or affecting any authorizations, requirements, or proce-
44 dures under the national historic preservation act of 1966, the New York
45 state historic preservation act of 1980, the parks, recreation and
46 historic preservation law, or any other state or local law governing the
47 identification, protection, or management of historic properties, or
48 under any rules or regulations promulgated thereunder. Nor shall
49 anything in this act be interpreted or construed as modifying or affect-
50 ing any authorizations, requirements, or procedures other than those
51 pertaining to environmental review conducted pursuant to article 8 of
52 the environmental conservation law and any state and local regulations
53 promulgated thereunder.

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

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

3 PART S

4 Section 1. Subdivisions 2 and 3 of section 54-1521 of the environ-
5 mental conservation law, as amended by section 1 of part CCC of chapter
6 55 of the laws of 2021, paragraph a of subdivision 2 and paragraph a of
7 subdivision 3 as amended by section 1 of part CCC of chapter 58 of the
8 laws of 2025, are amended to read as follows:

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

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

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

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

32 § 2. This act shall take effect immediately.

33 PART T

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

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

45 § 2. This act shall take effect immediately.

46 PART U

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

1 identified as Subparts A through C. The effective date for each partic-
2 ular provision contained within such Subpart is set forth in the last
3 section of such Subpart. Any provision in any section contained within a
4 Subpart, including the effective date of the Subpart, which makes refer-
5 ence to a section "of this act", when used in connection with that
6 particular component, shall be deemed to mean and refer to the corre-
7 sponding section of the Subpart in which it is found. Section three of
8 this Part sets forth the general effective date of this Part.

9

SUBPART A

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

20 § 2. Notwithstanding any other law to the contrary, the trustees are
21 authorized and empowered, without any public bidding, to lease and
22 otherwise contract to make available to Farmingdale state development
23 corporation, a not-for-profit corporation (the "ground lessee"), a
24 portion of the lands of Farmingdale generally described in this act for
25 the purpose of developing, constructing, maintaining and operating
26 multi-purpose facilities to support housing needs and supporting amen-
27 ities. Such lease or contract shall be for a period not exceeding nine-
28 ty-nine years without any fee simple conveyance and otherwise upon terms
29 and conditions determined by such trustees, subject to the approval of
30 the director of the division of the budget, the attorney general and the
31 state comptroller. In the event that the real property that is the
32 subject of such lease or contract shall cease to be used for the purpose
33 described in this act, such lease or contract shall immediately termi-
34 nate, and the real property and any improvements thereon shall revert to
35 the state university of New York. Any lease or contract entered into
36 pursuant to this act shall provide that the real property that is the
37 subject of such lease or contract and any improvements thereon shall
38 revert to the state university of New York on the expiration of such
39 contract or lease. Any and all proceeds related to the leases authorized
40 by this act shall be used for the benefit of the Farmingdale campus and
41 the allocation of such proceeds shall be subject to approval by the
42 trustees.

43 § 3. Any contract or lease entered into pursuant to this act shall be
44 deemed to be a state contract for purposes of article 15-A of the execu-
45 tive law, and any contractor, subcontractor, lessee or sublessee enter-
46 ing into such contract or lease for the construction, demolition, recon-
47 struction, excavation, rehabilitation, repair, renovation, alteration or
48 improvement authorized pursuant to this act shall be deemed a state
49 agency for the purposes of article 15-A of the executive law and subject
50 to the provisions of such article.

51 § 4. Notwithstanding any general, special or local law or judicial
52 decision to the contrary, all work performed on a project authorized by
53 this act where all or any portion thereof involves a lease or agreement
54 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

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

6 § 2. Notwithstanding any other law to the contrary, the trustees are
7 authorized and empowered, without any public bidding, to lease and
8 otherwise contract to make available to a ground lessee a portion of the
9 lands of Stony Brook generally described in this act for the purpose of
10 developing, constructing, maintaining and operating multi-purpose facil-
11 ities to support housing needs and supporting amenities. Such lease or
12 contract shall be for a period not exceeding ninety-nine years without
13 any fee simple conveyance and otherwise upon terms and conditions deter-
14 mined by such trustees, subject to the approval of the director of the
15 division of the budget, the attorney general and the state comptroller.
16 In the event that the real property that is the subject of such lease or
17 contract shall cease to be used for the purpose described in this act,
18 such lease or contract shall immediately terminate and the real property
19 and any improvements thereon shall revert to the state university of New
20 York. Any lease or contract entered into pursuant to this act shall
21 provide that the real property that is the subject of such lease or
22 contract and any improvements thereon shall revert to the state univer-
23 sity of New York on the expiration of such contract or lease. Any and
24 all proceeds related to the leases authorized by this act shall be used
25 for the benefit of the Stony Brook campus and the allocation of such
26 proceeds shall be subject to approval by the trustees.

27 § 3. Any contract or lease entered into pursuant to this act shall be
28 deemed to be a state contract for purposes of article 15-A of the execu-
29 tive law, and any contractor, subcontractor, lessee or sublessee enter-
30 ing into such contract or lease for the construction, demolition, recon-
31 struction, excavation, rehabilitation, repair, renovation, alteration or
32 improvement authorized pursuant to this act shall be deemed a state
33 agency for the purposes of article 15-A of the executive law and subject
34 to the provisions of such article.

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

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

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

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

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

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

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

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

20 § 11. This act shall take effect immediately.

21 SUBPART C

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

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

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

36 § 4. This act shall take effect immediately.

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

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

50 PART V

51 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
52 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

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

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

6 (a) that the content was created or modified using artificial intelli-
7 gence;

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

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

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

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

13 3. Synthetic content creations system hosting platforms shall not make
14 available a synthetic content creations system where the hosting plat-
15 form knows that the synthetic content creations system provider for such
16 system does not apply provenance data to content created or modified by
17 the artificial intelligence system in a manner consistent with specifi-
18 cations set forth in this section, nor shall a synthetic content
19 creations system hosting platform deliberately prevent a synthetic
20 content creations system provider from applying provenance data to
21 content created or modified by a synthetic content creations system in a
22 manner consistent with the specifications set forth in this section.

23 4. The provisions of this section shall only apply to synthetic
24 content creations systems that were created or modified after the effec-
25 tive date of this article.

26 § 1532. Content provenance verification. 1. A synthetic content
27 creations system provider shall, to the extent technically feasible and
28 reasonable, make available a provenance reader tool, whether created by
29 such provider or a third-party, at no cost to a user, that meets all of
30 the following criteria:

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

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

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

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

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

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

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

4 2. A synthetic content creations system provider shall not collect or
5 retain personal information from users of the provenance reader tool as
6 a condition of using the provenance reader tool. A synthetic content
7 creations system provider may collect and retain the personal informa-
8 tion of a user who opts in to being contacted by such provider for the
9 purposes of submitting feedback to such provider regarding the prove-
10 nance reader tool.

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

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

19 (a) The disclosure identifies the content as AI-generated content;
20 (b) The disclosure is clear, conspicuous, appropriate for the medium
21 of the content and is understandable to a reasonable natural person; and
22 (c) The disclosure is permanent or extraordinarily difficult to remove
23 or modify, to the extent technically feasible.

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

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

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

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

43 (A) whether provenance data is available;
44 (B) the name of the synthetic content creations system provider that
45 created or substantially modified the content, if applicable; and
46 (C) whether any digital signatures are available.

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

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

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

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

4 § 1533. Exceptions. This article shall not apply to any product,
5 service, internet website, or application that provides exclusively
6 non-user generated video game, television, streaming, movie or interac-
7 tive experiences.

8 § 1534. Enforcement by attorney general. Whenever there shall be a
9 violation of this article, the attorney general shall give written
10 notice to the person or entity violating this section identifying the
11 specific provisions of this article that are or were being violated. The
12 attorney general shall not bring an action under this section where,
13 within thirty days of receiving such written notice, the person or enti-
14 ty cures the violation and provides the attorney general with a written
15 statement confirming the violation was cured, including supporting
16 documentation on how the violation was cured. Where, after receipt of
17 the notice and the expiration of thirty days, the person or entity
18 continues to violate this article or for subsequent violations, an
19 application may be made by the attorney general in the name of the
20 people of the state of New York to a court or justice having jurisdic-
21 tion by a special proceeding to issue an injunction, and upon notice to
22 the defendant of not less than five days, to enjoin and restrain the
23 continuance of such violations; and if it shall appear to the satisfac-
24 tion of the court or justice that the defendant has, in fact, violated
25 this article, an injunction may be issued by such court or justice,
26 enjoining and restraining any further violation, without requiring proof
27 that any person has, in fact, been injured or damaged thereby. In any
28 such proceeding, the court may make allowances to the attorney general
29 as provided in paragraph six of subdivision (a) of section eighty-three
30 hundred three of the civil practice law and rules. Whenever the court
31 shall determine that a violation of this article has occurred, the court
32 may impose a civil penalty of not more than five thousand dollars for
33 each violation.

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

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

44 PART Y

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

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

49 ARTICLE 45-B
50 SAFE BY DESIGN ACT

51 Section 1539. Definitions.

52 1540. Privacy by default.

53 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

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

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

8 15. "Media" shall mean text, an image or a video. Games and immer-
9 sive digital environments are not media.

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

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

20 § 1540. Privacy by default. 1. (a) No operator shall offer a covered
21 platform in this state without conducting age assurance to reasonably
22 determine whether a user is a covered minor. A covered platform may
23 rely on any prior determination of a user's age or age status completed
24 to comply with other laws or for any other purpose if the determination
25 was made consistent with the definition of age assurance pursuant to
26 subdivision sixteen of section fifteen hundred thirty-nine of this arti-
27 cle for purposes of this requirement.

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

33 (c) The attorney general may promulgate regulations identifying meth-
34 ods for commercially reasonable age assurance, which may consider the
35 size, financial resources, and technical capabilities of covered plat-
36 forms, the costs and effectiveness of available age determination tech-
37 niques for users of such platforms, the audience of such platforms, and
38 prevalent practices of the industry of the operator. Such regulations
39 shall also identify the appropriate levels of accuracy that would be
40 considered reasonable for operators to achieve in determining whether a
41 user is a covered minor.

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

46 (a) communicate directly and privately with such minor;

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

48 (c) tag such minor in posted media; or

49 (d) view the geographic location information of a covered minor if a
50 covered platform provides a mechanism by which users may share their
51 geographic location information with other users on the covered plat-
52 form.

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

1 each privacy setting provided in subdivision two of this section sepa-
2 rately.

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

10 5. A request by a user to connect with a covered minor may be sent
11 simultaneously with a request by such user to directly message such
12 covered minor. A request by a covered minor to connect with a user may
13 be sent simultaneously with a request by such covered minor to directly
14 message such user.

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

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

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

30 § 1541. Parental approvals. 1. For all covered minors under the age of
31 thirteen, an operator shall require the parent of such covered minor to
32 approve all new connections with such covered minor before such covered
33 minor's and such other user's or such other's accounts may be connected.
34 For covered minors under the age of thirteen, an operator shall also
35 establish a mechanism by which a parent of such minor may easily view
36 the list of all users or accounts currently connected with the account
37 of the minor.

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

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

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

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

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

4 § 1542. Prohibition on features that subvert the purposes of this
5 article. It shall be unlawful for a covered platform to deploy any
6 mechanism or design feature which has the effect of inhibiting the
7 purpose of this article.

8 § 1543. Nondiscrimination. An operator shall not withhold, degrade,
9 lower the quality of, or increase the price of any product, service, or
10 feature of a covered platform, other than as necessary for compliance
11 with the provisions of this article or any rules or regulations promul-
12 gated pursuant to this article, to a user due to such operator being
13 required to establish the settings and approvals provided in sections
14 fifteen hundred forty and fifteen hundred forty-one of this article.

15 § 1544. Scope. 1. This article shall apply to conduct that occurs in
16 whole or in part in New York. For purposes of this article, conduct
17 takes place wholly outside of New York if the covered platform is
18 accessed by a user who is physically located outside of New York.

19 2. Nothing in this article shall be construed to impose liability for
20 commercial activities or actions by operators subject to 15 U.S.C. §
21 6501 that is inconsistent with the treatment of such activities or
22 actions under 15 U.S.C. § 6502.

23 § 1545. Rulemaking authority. The attorney general may promulgate such
24 rules and regulations as are necessary to effectuate and enforce the
25 provisions of this article.

26 § 1546. Remedies. 1. On or after the effective date of this article,
27 whenever it appears to the attorney general, upon complaint or other-
28 wise, that any person, within or outside the state, has violated the
29 provisions of this article, the attorney general may bring an action or
30 special proceeding in the name and on behalf of the people of the state
31 of New York to enjoin any such violation, to obtain restitution of any
32 moneys or property obtained directly or indirectly by any such
33 violation, to obtain disgorgement of any profits or gains obtained
34 directly or indirectly by any such violation, to obtain damages caused
35 directly or indirectly by any such violation, to obtain civil penalties
36 of up to five thousand dollars per violation, and to obtain any such
37 other and further relief as the court may deem proper, including prelim-
38 inary relief.

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

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

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

1

PART Z

2 Section 1. The general business law is amended by adding a new section
3 349-i to read as follows:

4 § 349-i. Advertising former prices. 1. No retail seller shall knowingly
5 advertise a reduction in the price of a product from such seller's
6 own former price, unless such former price is the actual, bona fide
7 price of the product for which the retail seller offered to the public,
8 openly and in good faith. For the purposes of this section, the follow-
9 ing non-exhaustive factors may be considered in determining whether such
10 former price is an actual, bona fide price:

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

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

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

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

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

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

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

29 § 2. This act shall take effect immediately.

30

PART AA

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

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

ARTICLE 48DATA BROKER ACCOUNTABILITY ACTSection 1800. Definitions.

38 1801. Data broker registration.

39 1802. Data broker registration and deletion portal.

40 1803. Consumer deletion requests.

41 1804. Accessible deletion request mechanism for consumers.

42 1805. Data broker website disclosure requirements.

43 1806. Rulemaking.

44 1807. Powers, duties and adjudicatory proceedings.

45 1808. Statute of limitations.

46 1809. Enforcement.

47 1810. Assessments.

48 1811. Exemptions.

49 § 1800. Definitions. For purposes of this article, the following defi-
50 nitions shall have the following meanings:

51 1. "Advertising and marketing" means a communication by a business or
52 a person acting on such business' behalf in any medium intended to
53 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

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

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

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

17 (b) helping to ensure security and integrity to the extent the use of
18 the consumer's personal information is reasonably necessary and propor-
19 tionate for these purposes;

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

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

28 (e) performing services on behalf of the business, including maintain-
29 ing or servicing accounts, providing customer service, processing or
30 fulfilling orders and transactions, verifying customer information,
31 processing payments, providing financing, providing analytic services,
32 providing storage, or providing similar services on behalf of the busi-
33 ness;

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

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

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

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

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

1 person acting as a conservator for such consumer, including by a state-
2 ment or by a clear affirmative action, signifies agreement to the proc-
3 essing of personal information relating to such consumer for a narrowly
4 defined particular purpose. Acceptance of a general or broad terms of
5 use, or similar document, that contains descriptions of personal infor-
6 mation processing along with other, unrelated information, shall not
7 constitute consent. Hovering over, muting, pausing, or closing a given
8 piece of content shall not constitute consent. Agreement obtained
9 through use of dark patterns shall not constitute consent.

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

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

17 (a) prohibits the contractor from:

18 (i) selling or sharing such personal information;

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

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

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

33 (b) includes a certification made by the contractor that the contrac-
34 tor understands the restrictions provided for in accordance with para-
35 graph (a) of this subdivision and will comply with them;

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

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

49 10. "Cross-context behavioral advertising" means the targeting of
50 advertising and marketing to a consumer based on such consumer's
51 personal information obtained from such consumer's activity across busi-
52 nesses, distinctly branded internet websites, applications, or services,
53 other than the business, distinctly branded internet website, applica-
54 tion, or service with which such consumer intentionally interacts.

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

4 (i) does not have a direct relationship; and/or
5 (ii) does not have a direct relationship with such consumer as to
6 personal information it sells about such consumer that it collected
7 outside of a consumer-facing business with which the consumer intends
8 and expects to interact.

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

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

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

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

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

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

23 12. "Dark pattern" means a user interface designed or manipulated with
24 the substantial effect of subverting or impairing user autonomy, deci-
25 sion making, or choice, as further defined by regulation issued by the
26 office.

27 13. "Deidentified" means information that cannot reasonably be used to
28 infer information about, or otherwise be linked to, a particular consum-
29 er provided that the business that possesses such information:

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

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

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

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

45 15. "Developer of a GenAI system" means a person, partnership, corpo-
46 ration, firm, organization or other entity that designs, codes, produc-
47 es, trains or substantially modifies a GenAI system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56 (v) biometric information;

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

5 (vii) geolocation data;

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

8 (ix) professional or employment-related information;

9 (x) education information, defined as information that is not publicly
10 available personally identifiable information as defined in the Family
11 Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part
12 99);

13 (xi) inferences drawn from any of the information identified in this
14 subdivision to create a profile about a consumer reflecting such consum-
15 er's preferences, characteristics, psychological trends, predisposi-
16 tions, behavior, attitudes, intelligence, abilities, and aptitudes; and

17 (xii) sensitive personal information;

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

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

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

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

30 (c) The term "publicly available" shall not mean biometric information
31 collected by a business about a consumer without such consumer's know-
32 ledge.

33 (d) The term "personal information" shall not include consumer infor-
34 mation that is deidentified or aggregate consumer information.

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

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

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

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

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

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

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

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

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

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

15 (a) information about a consumer searching for, accessing, procuring,
16 using, or otherwise interacting with goods or services associated with
17 the human reproductive system, which includes goods such as contracep-
18 tion including but not limited to condoms or birth-control pills, pre-
19 natal and fertility vitamins and supplements, menstrual-tracking apps,
20 and hormone-replacement therapy, and shall further include, but not be
21 limited to, services such as sperm- and egg-freezing, In Vitro Ferti-
22 lization, abortion care, vasectomies, sexual health counseling; treatment
23 or counseling for sexually transmitted infections, erectile dysfunction,
24 and reproductive tract infections; and precise geolocation information
25 about such treatments; or

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

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

39 (a) compatible with the business purpose for which the personal infor-
40 mation was collected;

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

45 (c) made subject to technical safeguards that prohibit reidentifica-
46 tion of the consumer to whom the information may pertain, other than as
47 needed to support the research;

48 (d) subject to business processes that specifically prohibit reiden-
49 tification of the information, other than as needed to support the
50 research;

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

53 (f) protected from any reidentification attempts;

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

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

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

5 (a) networks or information systems to detect security incidents that
6 compromise the availability, authenticity, integrity, and confidentiali-
7 ty of stored or transmitted personal information;

8 (b) businesses to detect security incidents, resist malicious, decep-
9 tive, fraudulent, or illegal actions and to help prosecute those respon-
10 sible for those actions; or

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

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

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

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

20 (1) disclose personal information; or

21 (2) interact with one or more third parties;

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

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

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

43 (i) personal information that reveals:

44 (1) a consumer's social security, driver's license, state identifica-
45 tion card, or passport number;

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

49 (3) a consumer's precise geolocation;

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

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

54 (6) a consumer's genetic data; or

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

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

6 (1) personal information collected and analyzed concerning a consum-
7 er's health; or

8 (2) personal information collected and analyzed concerning a consum-
9 er's sex life or sexual orientation.

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

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

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

21 (i) selling or sharing such personal information;

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

28 (iii) retaining, using, or disclosing the information outside of the
29 direct business relationship between the service provider and such busi-
30 ness; or

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

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

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

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

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

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

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

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

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

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

32 (b) a service provider to the business; or

33 (c) a contractor.

34 40. "Unique identifier" or "unique personal identifier" means a
35 persistent identifier that can be used to recognize a consumer, a fami-
36 ly, or a device that is linked to a consumer or family, over time and
37 across different services, including, but not limited to, a device iden-
38 tifier; an internet protocol address; cookies, beacons, pixel tags,
39 mobile ad identifiers, or similar technology; customer number, unique
40 pseudonym, or user alias; telephone numbers, or other forms of persist-
41 ent or probabilistic identifiers that can be used to identify a partic-
42 ular consumer or device that is linked to a consumer or family. For
43 purposes of this subdivision, the term "family" means a custodial parent
44 or guardian and any children under eighteen years of age over which the
45 parent or guardian has custody.

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

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

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

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

4 § 1801. Data broker registration. 1. On or before the first of July
5 following each year in which a business meets the definition of data
6 broker as provided in this article, or by such other date as the office
7 may establish by regulation, such business shall register with the
8 office pursuant to the requirements of this section.

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

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

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

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

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

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

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

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

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

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

28 (v) the number of requests from consumers to delete personal informa-
29 tion;

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

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

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

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

41 (x) whether the data broker collects consumers' drivers' license
42 numbers, New York identification card numbers, tax identification
43 numbers, social security numbers, passport numbers, military identifica-
44 tion numbers, or other unique identification numbers issued on a govern-
45 ment document commonly used to verify the identity of a specific indi-
46 vidual;

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

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

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

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

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

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

4 (xvii) whether the data broker collects consumers' precise geoloca-
5 tion;

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

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

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

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

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

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

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

22 (xxv) whether and to what extent the data broker or any of its subsid-
23 iaries is regulated by any of the following:

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

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

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

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

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

37 § 1802. Data broker registration and deletion portal. The office shall
38 create a page on the department's internet website where the registra-
39 tion information provided by data brokers described under section eigh-
40 teen hundred one of this article and the accessible deletion mechanism
41 described under section eighteen hundred four of this article shall be
42 accessible to the public.

43 § 1803. Consumer deletion requests. A data broker shall delete a
44 consumer's personal information, based on such consumer's request, with-
45 in forty-five days of receiving a verifiable consumer request from the
46 consumer pursuant to section eighteen hundred four of this article or
47 section eighteen hundred five of this article. Such data broker shall
48 promptly take steps to determine whether such request is a verifiable
49 consumer request, but such steps shall not extend such data broker's
50 duty to delete personal information within forty-five days of receipt of
51 the consumer's request. The time period to delete personal information
52 may be extended once by an additional forty-five days when reasonably
53 necessary, provided the consumer is provided notice of such extension
54 within the first forty-five-day period.

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

4 (a) implements and maintains reasonable security procedures and prac-
5 tices, including, but not limited to, administrative, physical, and
6 technical safeguards appropriate to the nature of the information and
7 the purposes for which the personal information will be used and to
8 protect consumers' personal information from unauthorized use, disclo-
9 sure, access, destruction, or modification;

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

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

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

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

21 (a) the accessible deletion mechanism shall allow a consumer to
22 request the deletion of all personal information related to such consum-
23 er through a single deletion request;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) a data broker shall direct all service providers or contractors
20 associated with the data broker to process a request described by para-
21 graph (b) of this subdivision.

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

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

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

35 (ii) help to ensure security and integrity to the extent the use of
36 the consumer's personal information is reasonably necessary and propor-
37 tionate for such purposes;

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

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

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

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

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

55 (viii) comply with a civil, criminal, or regulatory inquiry, investi-
56 gation, subpoena, or summons by federal, state, or local authorities.

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

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

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

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

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

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

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

37 (xi) exercise or defend legal claims;

38 (xii) collect, use, retain, sell, share, or disclose consumers'
39 personal information that is deidentified or aggregate consumer informa-
40 tion; or

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

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

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

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

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

22 § 1805. Data broker website disclosure requirements. 1. On or before
23 July first following each calendar year, or by such other date as the
24 office may establish by regulation in which a business meets the defi-
25 nition of a data broker as provided in this article, the business shall
26 clearly and conspicuously post their privacy policy on their website as
27 well as do all of the following:

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

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

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

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

41 (a) The request was not verifiable;

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

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

44 (d) The request was denied on other grounds.

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

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

54 § 1806. Rulemaking. The office shall adopt rules and regulations to
55 implement the provisions of this article.

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

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

9 (b) to appoint such advisory groups and committees as deemed necessary
10 to provide assistance to the office to carry out the purposes and objec-
11 tives of this article;

12 (c) to enter into contracts, memoranda of understanding, and agree-
13 ments as deemed appropriate to effectuate the policy and purpose of this
14 chapter;

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

17 (e) to delegate the powers provided in this section to such other
18 officers or employees as may be deemed appropriate by the superinten-
19 dent.

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

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

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

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

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

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

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

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

1 § 1808. Statute of limitations. No administrative action by the office
2 brought pursuant to this article alleging a violation of any of the
3 provisions of this article shall be commenced more than three years
4 after the date on which the violation occurred.

5 § 1809. Enforcement. 1. The superintendent may, after notice and hear-
6 ing, require any person found violating the provisions of this article
7 or the rules or regulations promulgated hereunder to pay to the people
8 of this state, penalties and expenses as follows:

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

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

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

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

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

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

29 § 1810. Assessments. Companies or persons required to be licensed,
30 registered or file with the office pursuant to this article shall be
31 assessed in pro rata shares by the department to defray the operating
32 expenses, including all direct and indirect costs, of administering the
33 obligations imposed by this article.

34 § 1811. Exemptions. This article shall not apply to any of the follow-
35 ing:

36 1. Protected health information that is collected by a covered entity
37 or business associate governed by the privacy, security, and breach
38 notification rules issued by the United States Department of Health and
39 Human Services, Parts 160 and 164 of Title 45 of the Code of Federal
40 Regulations, established pursuant to the federal Health Insurance Porta-
41 bility and Accountability Act of 1996 (Public Law 104-191) and the
42 federal Health Information Technology for Economic and Clinical Health
43 Act, Title XIII of the federal American Recovery and Reinvestment Act of
44 2009 (Public Law 111-5).

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

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

1 104-191) and the federal Health Information Technology for Economic and
2 Clinical Health Act, Title XIII of the federal American Recovery and
3 Reinvestment Act of 2009 (Public Law 111-5), to the extent that such
4 business associate maintains, uses, and discloses protected health
5 information as described in subdivision one of this section.

6 4. Information that meets both of the following conditions:

7 (a) it is deidentified in accordance with the requirements for deiden-
8 tification set forth in Section 164.514 of Part 164 of Title 45 of the
9 Code of Federal Regulations; and

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

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

21 6. Information that is collected, used, or disclosed in research, as
22 defined in Section 164.501 of Title 45 of the Code of Federal Regu-
23 lations, including, but not limited to, a clinical trial, and that is
24 conducted in accordance with applicable ethics, confidentiality, priva-
25 cy, and security rules of Part 164 of Title 45 of the Code of Federal
26 Regulations, the Federal Policy for the Protection of Human Subjects,
27 also known as the Common Rule, good clinical practice guidelines issued
28 by the International Council for Harmonization, or human subject
29 protection requirements of the United States Food and Drug Adminis-
30 tration.

31 7. A health information network regulated under 10 NYCRR Part 300,
32 including the department of health's designated contractor or a quali-
33 fied entity under 10 NYCRR § 300.4.

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

36 (a) "Business associate" has the same meaning as defined in Section
37 160.103 of Title 45 of the Code of Federal Regulations.

38 (b) "Covered entity" has the same meaning as defined in Section
39 160.103 of Title 45 of the Code of Federal Regulations.

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

42 (d) "Individually identifiable health information" has the same mean-
43 ing as defined in Section 160.103 of Title 45 of the Code of Federal
44 Regulations.

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

47 § 3. Severability. If any clause, sentence, paragraph, subdivision,
48 section or part of this act shall be adjudged by any court of competent
49 jurisdiction to be invalid, such judgment shall not affect, impair, or
50 invalidate the remainder thereof, but shall be confined in its operation
51 to the clause, sentence, paragraph, subdivision, section or part thereof
52 directly involved in the controversy in which such judgment shall have
53 been rendered. It is hereby declared to be the intent of the legislature
54 that this act would have been enacted even if such invalid provisions
55 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

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

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

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

24 § 2. This act shall take effect immediately.

25 PART DD

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

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

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

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

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

1 (b) An insurer shall offer a discount that provides an actuarially
2 appropriate reduction in the rates of homeowners insurance premiums
3 applicable to residential real property for the installation of a newly
4 constructed roof or a roof replacement and for each of the following
5 wind damage mitigation improvements to the property:

6 (1) improvements made to roof coverings, such as tiles or shingles,
7 for wind-resistance;

8 (2) roof deck attachments;

9 (3) secondary water resistance, including sealing and strengthening a
10 roof deck, roof and gable end vents or covers, and improvements made for
11 water intrusion resistance of attic vents; and

12 (4) roof to wall connections, including toe nails, clips, strapping,
13 or ties.

14 (c) To be considered for any discount provided for in paragraph (b) of
15 this subsection, an insurable property shall be certified as constructed
16 in accordance with any building code applicable in this state or New
17 York city, as amended from time-to-time, or such other standards as
18 approved by the superintendent.

19 § 2. Section 2346-a of the insurance law, as added by chapter 78 of
20 the laws of 1997, is amended to read as follows:

21 § 2346-a. Reduction in rates of certain commercial risk insurance
22 premiums for real property. ~~[The superintendent shall provide for]~~ (a)
23 An insurer shall offer at least one discount that provides an actuarial-
24 ly appropriate reduction in the rates of fire insurance premiums or the
25 fire insurance component of certain commercial risk insurance, as
26 defined in subparagraph (A) of paragraph forty-seven of subsection (a)
27 of section one hundred seven of this chapter, to a purchaser of such
28 insurance and shall also provide such discount to a public entity as
29 defined in paragraph fifty-one of subsection (a) of section one hundred
30 seven of this chapter, for the loss of or damage to real property
31 equipped with fire prevention or mitigation improvements, such as when
32 the real property is equipped with smoke detecting alarm devices,
33 approved sprinkler systems, or fire extinguishers.

34 (b) An insurer shall offer at least one discount that provides an
35 actuarially appropriate reduction in the rates of premiums for certain
36 commercial risk insurance, as defined in subparagraph (A) of paragraph
37 forty-seven of subsection (a) of section one hundred seven of this chap-
38 ter, to a purchaser of such insurance and shall also provide such
39 reduction to a public entity as defined in paragraph fifty-one of
40 subsection (a) of section one hundred seven of this chapter for loss of
41 or damage to real property for each of the following categories of
42 improvements:

43 (1) theft prevention or mitigation improvements, such as when the real
44 property is equipped with dead-bolt locks or a security system; and

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

47 (c) An insurer shall offer a discount that provides an actuarially
48 appropriate reduction in the rates of premiums for certain commercial
49 risk insurance, as defined in subparagraph (A) of paragraph forty-seven
50 of subsection (a) of section one hundred seven of this chapter, to a
51 purchaser of such insurance and shall also provide such reduction to a
52 public entity as defined in paragraph fifty-one of subsection (a) of
53 section one hundred seven of this chapter for the loss of or damage to
54 real property for the installation of a newly constructed roof or a roof
55 replacement and for each of the following wind damage mitigation
56 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;

1 permanent loss of use of a body organ, member, function or system;
2 permanent consequential limitation of use of a body organ or member; or
3 significant limitation of use of a body function or system[~~; or a~~
4 ~~medically determined injury or impairment of a non-permanent nature~~
5 ~~which prevents the injured person from performing substantially all of~~
6 ~~the material acts which constitute such person's usual and customary~~
7 ~~daily activities for not less than ninety days during the one hundred~~
8 ~~eighty days immediately following the occurrence of the injury or~~
9 ~~impairment~~].

10 § 2. Subsection (a) of section 5104 of the insurance law is amended,
11 and a new subsection (d) is added to read as follows:

12 (a) Notwithstanding any other law, in any action by or on behalf of a
13 covered person against another covered person for personal injuries
14 arising out of negligence in the use or operation of a motor vehicle in
15 this state, there shall be no right of recovery for non-economic loss,
16 except in the case of a serious injury, or for basic economic loss. The
17 owner, operator or occupant of a motorcycle which has in effect the
18 financial security required by article six or eight of the vehicle and
19 traffic law, or which is referred to in subdivision two of section three
20 hundred twenty-one of such law, shall not be subject to an action by or
21 on behalf of a covered person for recovery for non-economic loss, except
22 in the case of a serious injury, or for basic economic loss. No liabil-
23 ity for non-economic loss shall be fixed unless and until the trier of
24 fact has determined the existence of a serious injury. In any action to
25 recover non-economic loss pursuant to this article, the trier of fact
26 shall not determine the question of whether an injury is a serious inju-
27 ry until the trier of fact has determined the party or parties at fault.

28 (d) Notwithstanding the foregoing, and other than in an action for
29 damages for injuries resulting in death, recovery for non-economic loss
30 shall be limited to one hundred thousand dollars in the case of a seri-
31 ous injury in any action by or on behalf of a covered person (1) using
32 or operating an uninsured motor vehicle, (2) using or operating a motor
33 vehicle while impaired at the time of the accident and convicted of
34 such, or (3) using or operating a motor vehicle in the commission of a
35 felony, or immediate flight therefrom, at the time of the accident and
36 has been convicted of such felony.

37 § 3. Section 1411 of the civil practice law and rules, as added by
38 chapter 69 of the laws of 1975, is amended to read as follows:

39 § 1411. Damages recoverable when contributory negligence or assumption
40 of risk is established. ~~[In]~~ (a) Except as provided in subsection (b) of
41 this section, in any action to recover damages for personal injury,
42 injury to property, or wrongful death, the culpable conduct attributable
43 to the claimant or to the decedent, including contributory negligence or
44 assumption of risk, shall not bar recovery[~~, but the~~]. The amount of
45 damages otherwise recoverable shall be diminished in the proportion
46 which the culpable conduct attributable to the claimant or decedent
47 bears to the culpable conduct which caused the damages.

48 (b) In any action to recover damages for personal injury subject to
49 article fifty-one of the insurance law, the culpable conduct attrib-
50 able to the claimant shall bar recovery if the culpable conduct attrib-
51 utable to the claimant is greater than the culpable conduct of the
52 person against whom recovery is sought or is greater than the combined
53 culpable conduct of the persons against whom recovery is sought.

54 § 4. Subdivision 6 of section 1602 of the civil practice law and rules
55 is REPEALED.

1 § 5. This act shall take effect immediately and shall be applicable to
2 all actions and proceedings commenced on or after such date.

3 PART FF

4 Section 1. Subsection (a) of section 405 of the insurance law, as
5 amended by section 7 of part A of chapter 62 of the laws of 2011, is
6 amended to read as follows:

7 (a) Any person licensed or registered pursuant to the provisions of
8 this chapter, and any person engaged in the business of insurance or
9 life settlement in this state who is exempted from compliance with the
10 licensing requirements of this chapter, including the state insurance
11 fund of this state, who has reason to believe that an insurance trans-
12 action or life settlement act may be fraudulent, or has knowledge that a
13 fraudulent insurance transaction or fraudulent life settlement act is
14 about to take place, or has taken place shall, within ~~[thirty]~~ sixty
15 days after determination by such person that the transaction appears to
16 be fraudulent, send to the superintendent on a form prescribed by the
17 superintendent, the information requested by the form and such addi-
18 tional information relative to the factual circumstances of the trans-
19 action and the parties involved as the superintendent may require. The
20 superintendent shall accept reports of suspected fraudulent insurance
21 transactions or fraudulent life settlement acts from any self insurer,
22 including but not limited to self insurers providing health insurance
23 coverage or those defined in section fifty of the workers' compensation
24 law, and shall treat such reports as any other received pursuant to this
25 section.

26 § 2. Subsection (a) of section 5106 of the insurance law is amended to
27 read as follows:

28 (a) Payments of first party benefits and additional first party bene-
29 fits shall be made as the loss is incurred. Such benefits are overdue
30 if not paid within thirty days after the claimant supplies proof of the
31 fact and amount of loss sustained. If proof is not supplied as to the
32 entire claim, the amount which is supported by proof is overdue if not
33 paid within thirty days after such proof is supplied. The failure of an
34 insurer to make timely payment or issue a denial within thirty days
35 after proof of claim has been submitted to the insurer shall not
36 preclude the insurer from issuing a denial or asserting a defense after
37 the thirty-day period has elapsed. All overdue payments shall bear
38 interest at the rate of two percent per month. If a valid claim or
39 portion was overdue, the claimant shall also be entitled to recover
40 ~~[his]~~ the claimant's attorney's reasonable fee, for services necessarily
41 performed in connection with securing payment of the overdue claim,
42 subject to limitations promulgated by the superintendent in regulations.

43 § 3. This act shall take effect immediately and the amendments to
44 subsection (a) of section 5106 of the insurance law made by section two
45 of this act shall apply to claims submitted to an insurer on or after
46 such effective date.

47 PART GG

48 Section 1. The insurance law is amended by adding a new section 346 to
49 read as follows:

50 § 346. Annual report on insurance for multi-family buildings. An
51 authorized insurer that issues or delivers in this state a policy that
52 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

1 annually, and insurers and entities certified pursuant to article
2 forty-four of the public health law shall provide to the superintendent
3 the information required for such guide in a timely fashion, the follow-
4 ing information:

5 (1) The number of grievances filed pursuant to section forty-four
6 hundred eight-a of the public health law, section three thousand two
7 hundred seventeen-d of this chapter, section four thousand three hundred
8 six-c of this chapter, or article forty-eight of this chapter and the
9 number of such grievances in which an adverse determination of the
10 insurer or entity was reversed in whole or in part versus the number of
11 such determinations which were upheld; ~~[and]~~

12 (2) Beginning September first, two thousand twenty-seven, the number
13 of approvals and the number of adverse determinations in whole or part
14 issued by utilization review agents pursuant to section forty-nine
15 hundred three of the public health law or section four thousand nine
16 hundred three of this chapter; and

17 (3) The number of appeals to utilization review determinations ~~[which]~~
18 ~~that~~ were filed pursuant to ~~[article forty-nine of the public health law~~
19 ~~or article forty-nine]~~ section forty-nine hundred four of the public
20 health law and section four thousand nine hundred four of this chapter
21 and the number of such determinations ~~[which]~~ ~~that~~ were reversed in
22 whole or in part versus the number of such determinations ~~[which]~~ ~~that~~
23 were upheld.

24 (c) Beginning September first, nineteen hundred ninety-nine and annu-
25 ally thereafter, in addition to the information required in subsections
26 (a) and (b) of this section, the superintendent, in conjunction with the
27 commissioner of health, in consultation with the National Committee on
28 Quality Assurance or a similar national organization, shall include in
29 such guide the following additional information, for the most recent
30 year in which such information is available and where applicable, for
31 health insurers, health insurers providing managed care products and
32 entities certified under article forty-four of the public health law
33 providing comprehensive health service plans pursuant to such article:

34 (1) the percentage of physicians who are either board certified or
35 board eligible;

36 (2) the percentage of primary care physicians who remained participat-
37 ing providers, provided however, that such percentage shall exclude
38 voluntary terminations due to physician retirement, relocation or other
39 similar reasons;

40 (3) the percentage of enrollees aged twenty-three to thirty-nine and
41 forty to sixty-four who had one or more visits to a health plan practi-
42 tioner during the three years of their continual enrollment.

43 (4) the methods used to compensate primary care physicians and other
44 providers, provided however, that nothing in this section shall be
45 construed to require disclosure of the specific details of any financial
46 arrangement between the insurer or entity and an individual provider or
47 practice;

48 (5) the national accreditation status of insurers and entities, where
49 applicable;

50 (6) indices of the quality of care provided, such as the rates of
51 mammography, prostate, and cervical cancer screening, prenatal care,
52 well-child care, immunization and such other information collected by
53 the commissioner of health through the health plan employer data and
54 information set (HEDIS); or through the quality assurance reporting
55 requirements for entities not otherwise required to collect and report
56 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

1 related to the delivery. If an insured elects to continue to receive
2 care from such health care provider pursuant to this paragraph, such
3 care shall be authorized by the insurer for the transitional period only
4 if the health care provider agrees: (A) to accept reimbursement from the
5 insurer at rates established by the insurer as payment in full, which
6 rates shall be no more than the level of reimbursement applicable to
7 similar providers within the in-network benefits portion of the insurer's
8 network for such services; (B) to adhere to the insurer's quality
9 assurance requirements and agrees to provide to the insurer necessary
10 medical information related to such care; and (C) to otherwise adhere to
11 the insurer's policies and procedures including, but not limited to,
12 procedures regarding referrals and obtaining pre-authorization and a
13 treatment plan approved by the insurer. In no event shall this
14 subsection be construed to require an insurer to provide coverage for
15 benefits not otherwise covered or to diminish or impair pre-existing
16 condition limitations contained within the insured's contract.

17 § 2. Paragraph (f) of subdivision 6 of section 4403 of the public
18 health law, as added by chapter 705 of the laws of 1996, is amended to
19 read as follows:

20 (f) If a new enrollee whose health care provider is not a member of
21 the health maintenance organization's provider network enrolls in the
22 health maintenance organization, the organization shall permit the
23 enrollee to continue an ongoing course of treatment with the enrollee's
24 current health care provider during a transitional period of up to
25 ~~[sixty]~~ ninety days from the effective date of enrollment~~[, if (i) the~~
26 ~~enrollee has a life-threatening disease or condition or a degenerative~~
27 ~~and disabling disease or condition or (ii)].~~ If the enrollee [has
28 ~~entered the second trimester of pregnancy]~~ is pregnant at the effective
29 date of enrollment, ~~[in which case]~~ the transitional period shall
30 include the provision of ~~[post-partum]~~ care for the duration of the
31 pregnancy and postpartum care directly related to the delivery. If an
32 enrollee elects to continue to receive care from such health care
33 provider pursuant to this paragraph, such care shall be authorized by
34 the health maintenance organization for the transitional period only if
35 the health care provider agrees: (A) to accept reimbursement from the
36 health maintenance organization at rates established by the health main-
37 tenance organization as payment in full, which rates shall be no more
38 than the level of reimbursement applicable to similar providers within
39 the health maintenance organization's network for such services; (B) to
40 adhere to the organization's quality assurance requirements and agrees
41 to provide to the organization necessary medical information related to
42 such care; and (C) to otherwise adhere to the organization's policies
43 and procedures including, but not limited to, procedures regarding
44 referrals and obtaining pre-authorization and a treatment plan approved
45 by the organization. In no event shall this paragraph be construed to
46 require a health maintenance organization to provide coverage for bene-
47 fits not otherwise covered or to diminish or impair pre-existing condi-
48 tion limitations contained within the subscriber's contract.

49 § 3. This act shall take effect on the first of January next succeed-
50 ing the date on which it shall have become a law and shall apply to
51 policies issued, renewed, modified, or amended on or after such date.

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.

1 9. "Student loan servicer" has the same meaning as set forth in
2 section seven hundred ten of this chapter.

3 § 727. Cosigner release. 1. (a) A private student lender that makes or
4 acquires any private student loans with a cosigner shall disclose,
5 clearly and conspicuously in writing, in a form that the consumer may
6 keep, the specific and reasonable criteria for cosigner release.

7 (b) The private student lender shall provide the disclosures required
8 by this section prior to execution of the private student loan agreement
9 by the borrower and shall provide them together with any other disclo-
10 sures.

11 (c) The disclosures required by this section may be provided to the
12 consumer in electronic form.

13 2. (a) For any private student loan made after the effective date of
14 this section, a private student lender shall not require proof of more
15 than twenty-four consecutive, on-time payments as part of the criteria
16 for cosigner release.

17 (b) A borrower who has paid the equivalent of twenty-four months of
18 principal and interest payments within any twenty-four-month period is
19 deemed to have satisfied the consecutive, on-time payment requirement
20 even if the borrower has not made payments monthly during the twenty-
21 four-month period.

22 3. Within thirty days after the borrower has met the payment criteria
23 to be eligible for cosigner release, the private student lender shall
24 send the borrower and cosigner a written notification by United States
25 mail that they have met the payment requirements for cosigner release.
26 For a borrower or cosigner who has elected to receive electronic commu-
27 nications from the private student lender, the private student lender
28 shall send such notification in all electronic communication formats for
29 which the private student lender has the borrower's or cosigner's
30 contact information. The notification shall disclose any additional
31 requirements for the borrower or cosigner to qualify for cosigner
32 release and the process for meeting those requirements and applying for
33 cosigner release.

34 4. A private student lender shall provide written notice to a borrower
35 and cosigner within thirty days after receipt of an incomplete applica-
36 tion for cosigner release from such borrower or cosigner that the appli-
37 cation is incomplete. Such written notice shall describe the information
38 needed to complete the application and the date by which the applicant
39 must provide the missing information, which shall be a minimum of thirty
40 days after such notice is sent to the borrower and cosigner.

41 5. Within thirty days after a borrower or cosigner submits a complete
42 application for cosigner release to a private student lender, the
43 private student lender shall send the borrower and cosigner a written
44 notice of either the approval or denial of the cosigner release applica-
45 tion. A notice of a denial of an application issued pursuant to this
46 subdivision shall describe with specificity the reason for the denial
47 and any action the borrower or cosigner must take to obtain approval.

48 § 728. Required communications from private student lenders. 1. Prior
49 to originating a private student loan, a private student lender shall
50 provide to all cosigner applicants information about the rights and
51 responsibilities of the cosigner of the loan, including:

52 (a) how the private student lender will furnish information about the
53 cosigner's private student loan obligation to credit reporting agencies;

54 (b) how the cosigner will be notified if the private student loan
55 becomes delinquent and how the cosigner can cure the delinquency to

1 avoid negative credit reporting and loss of cosigner release eligibil-
2 ity;

3 (c) whether the private student lender offers cosigner release;

4 (d) all criteria for cosigner release, including the number of
5 payments for the private student lender to release the cosigner from the
6 loan obligation; and

7 (e) the process for applying for cosigner release.

8 2. Private student lenders shall send to borrowers and cosigners annu-
9 al written notices containing all information about cosigner release set
10 forth in subdivision one of this section.

11 3. Private student lenders shall send to borrowers and cosigners writ-
12 ten notices containing information about cosigner release set forth in
13 subdivision one of this section, upon request of the borrower or cosig-
14 ner.

15 § 729. Documents and records. 1. A private student lender shall keep
16 documents and records for each private student loan sufficient to demon-
17 strate the extent to which the borrower and the cosigner have fulfilled
18 the private student lender's criteria for cosigner release, including
19 any requirement for monthly payments.

20 2. (a) A private student lender shall make available to a cosigner of
21 a private student loan all documents and records related to that private
22 student loan that the private student lender has made available to the
23 borrower.

24 (b) If a private student lender offers electronic access to documents
25 and records to a borrower of a private student loan, it shall offer
26 equivalent electronic access to any cosigner of that private student
27 loan.

28 3. Within fifteen days of receiving a request, whether oral or writ-
29 ten, from a borrower or cosigner in relation to a private student loan
30 for redaction of the requesting obligor's contact information from
31 communications to any other obligor of such private student loan, the
32 private student lender shall so redact the contact information of the
33 requesting obligor.

34 § 730. Other requirements applicable to cosigners. 1. A student lender
35 shall not impose any restriction on any borrower or cosigner that may
36 permanently preclude cosigner release, including by restricting the
37 number of times a borrower or cosigner may apply for cosigner release.

38 2. If a borrower or cosigner makes any request for action that would
39 negatively affect eligibility for cosigner release, the private student
40 lender shall so notify the borrower and cosigner in writing within ten
41 days and grant the borrower or cosigner no less than thirty days to
42 rescind, withdraw, or cancel the request.

43 § 731. Required disclosures. 1. In connection with refinancing of one
44 or more student loans at least one of which is a federal student loan,
45 the private student lender shall disclose to the borrower, clearly and
46 conspicuously, contemporaneously with the provision of an application to
47 the borrower or with a solicitation for a private student loan if no
48 application is required or provided, benefits that the borrower may be
49 forfeiting by refinancing a federal student loan, including income-dri-
50 ven repayment options, opportunities for loan forgiveness, forbearance
51 or deferment options, interest subsidies, and tax benefits.

52 2. Contemporaneously with the approval of a private student loan
53 application, and before the loan transaction is consummated, the private
54 student lender shall disclose to the borrower, clearly and conspicuous-
55 ly:

1 (a) a list containing each student loan to be refinanced, which shall
2 identify whether the student loan is a private student loan or a federal
3 student loan; and

4 (b) benefits that the borrower may be forfeiting by refinancing a
5 federal student loan, including income-driven repayment options, oppor-
6 tunities for loan forgiveness, forbearance or deferment options, inter-
7 est subsidies, and tax benefits.

8 § 732. Enforcement and penalties. 1. Without limiting any power grant-
9 ed to the superintendent under any other provision of this chapter, the
10 superintendent may, after notice and hearing, require any person found
11 violating the provisions of this article or the rules or regulations
12 promulgated hereunder to pay to the people of this state a penalty not
13 to exceed: (a) two thousand five hundred dollars for each violation and
14 for each day during which such violation continues, or, in connection
15 with such violation, for each day a disclosure or notice mandated by
16 this article continues not to be provided to a borrower; or (b) where
17 such violation is willful, ten thousand dollars for each violation and
18 for each day during which such violation continues, or, in connection
19 with such violation, for each day a disclosure or notice mandated by
20 this article continues not to be provided to a borrower.

21 2. The superintendent shall not impose or collect any penalty under
22 section forty-four of this chapter in addition to any penalty for the
23 same act or omission that is imposed under this section.

24 § 733. Rules and regulations. In addition to such powers as may other-
25 wise be prescribed by this chapter, the superintendent of financial
26 services is hereby authorized and empowered to promulgate such rules and
27 regulations as may in the judgment of the superintendent be consistent
28 with the purposes of this article, or appropriate for the effective
29 administration of this article.

30 § 734. Severability. If any provision of this article or the applica-
31 tion thereof to any person or circumstances is held to be invalid, such
32 invalidity shall not affect other provisions or applications of this
33 article which can be given effect without the invalid provision or
34 application, and to this end the provisions of this article are severa-
35 ble.

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

38 PART KK

39 Section 1. Section 2329 of the insurance law, as amended by chapter
40 182 of the laws of 2023, is amended to read as follows:

41 § 2329. Motor vehicle insurance rates; excess profits. In accordance
42 with regulations prescribed by the superintendent, each insurer issuing
43 policies that are subject to article fifty-one of this chapter, includ-
44 ing policies of motor vehicle personal injury liability insurance or
45 policies of motor vehicle property damage liability insurance or insur-
46 ance for loss or damage to a motor vehicle, shall establish a fair,
47 practicable, and nondiscriminatory plan for refunding or otherwise cred-
48 iting to those purchasing such policies their share of the insurer's
49 excess profit, if any, on such policies. An excess profit shall be a
50 profit beyond a percentage rate of return on net worth attributable to
51 such policies, computed in accordance with the regulation required by
52 section two thousand three hundred twenty-three of this article, and
53 determined by the superintendent to be so far above a reasonable average
54 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.