

STATE OF NEW YORK

S. 8308

A. 8808

SENATE - ASSEMBLY

January 17, 2024

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 PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part A); to amend the public authorities law, in relation to implementing blue ribbon panel recommendations regarding fare and toll evasion (Part B); to amend the penal law, in relation to including the intentional use of any toll highway, parkway, road, bridge or tunnel or any entry into or remaining in a tolled central business district without payment of the lawful toll or charge as a theft of service; to amend the vehicle and traffic law, in relation to obstructed or obscured license plates and the penalty imposed upon the operator of a vehicle with an intentionally altered or obscured license plate while on a toll highway, bridge or tunnel or in a tolled central business district; to amend the vehicle and traffic law, in relation to authorizing law enforcement to confiscate license plate coverings; to amend the vehicle and traffic law, in relation to allowing the commissioner of motor vehicles to restrict registration transactions for vehicles with suspended or pending suspended registrations for failure to pay tolls unless sold to a bona fide purchaser; to amend the vehicle and traffic law, in relation to authorizing vehicle registration suspension for failure to comply with the removal of materials or substances altering or obscuring a license plate; and to amend the public authorities law in relation to authorizing public authorities with bridges, tunnels or highways under their jurisdiction to enter judgments for unpaid liabilities for a violation of toll collection regulations and enforce such judgments without court proceedings (Part C); to amend the vehicle and traffic law and the public authorities law, in relation to deterring fraud in connection with any eligibility process for or use

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

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of toll credits, discounts, or exemptions related to any entry into or remaining in the tolled central business district or any Triborough bridge and tunnel authority toll bridge or tunnel (Part D); to amend part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to the amount of payments in the Capital District Transportation District and adding Warren County to such District (Part E); 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 F); 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 G); to amend the vehicle and traffic law, in relation to establishing an online insurance verification system for motor vehicle insurance; and to repeal certain provisions of such law relating to motor vehicle insurance and funds for a certain pilot database system (Part H); to amend the vehicle and traffic law, in relation to establishing speed limits in cities with populations in excess of one million people (Part I); 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 J); to amend the transportation law and the vehicle and traffic law, in relation to enacting the stretch limousine passenger safety act; and providing for the repeal of certain provisions upon expiration thereof (Part K); to amend the executive law, the criminal procedure law, the retirement and social security law and the tax law, in relation to creating the Waterfront Commission Act; and to repeal chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation (Part L); to amend part DDD of chapter 55 of the laws of 2021 amending the public authorities law relating to the clean energy resources development and incentives program, in relation to the effectiveness thereof (Part M); 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 N); to amend the public service law, the eminent domain procedure law, the energy law, the environmental conservation law, the public authorities law, and the education law, in relation to transferring the functions of the office of renewable energy siting to the department of public service and accelerating the permitting of electric utility transmission facilities; and to repeal certain provisions of the executive law and the public service law relating thereto (Part O); to amend the public service law and the transportation corporations law, in relation to aligning utility regulation with state greenhouse gas emission reduction targets; and to repeal section 66-b of the public service law relating to continuation of gas service (Part P); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation



from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part Q); to amend the agriculture and markets law, in relation to application fees for the licensing of weighmasters (Part R); to amend the environmental conservation law, in relation to authorizing state assistance payments toward climate smart community projects of up to eighty percent to municipalities that meet criteria relating to financial hardship or disadvantaged communities (Part S); to amend the environmental conservation law, in relation to air quality control program fees; and to repeal certain provisions of the environmental conservation law and the state finance law relating thereto (Part T); to amend the public authorities law and the health and mental hygiene facilities development corporation act, in relation to authorizing the dormitory authority to provide additional services to state agencies and local governments for certain projects (Part U); 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 V); to amend the public authorities law, in relation to the Battery Park city authority (Part W); to amend the economic development law, in relation to increasing the cap on grants to entrepreneurship assistance centers (Part X); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part Y); 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 Z); 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 AA); 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 BB); to amend the banking law, in relation to the regulation of buy-now-pay-later lenders (Part CC); to amend the insurance law, in relation to supplemental spousal liability insurance (Part DD); to amend the insurance law, in relation to cost sharing for covered prescription insulin drugs (Part EE); to amend the insurance law, in relation to affordable housing (Part FF); to amend the general business law, in relation to prohibiting the sale of batteries for micromobility devices (Part GG); to amend the insurance law, in relation to certain penalties (Part HH); to amend the general business law, the banking law, and the social services law, in relation to protecting eligible adults from financial exploitation (Part II); to amend the general business law, in relation to enacting the "Consumer Protection Act" (Part JJ); to amend chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to extending the provisions thereof (Part KK); and to amend the insurance law, in relation to reinsurance, distribution for life insurers, and assessments; and to amend the tax law, in relation to the credit relating to life and health insurance guaranty corporation assessments (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 2024-2025 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.

13

PART A

14 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016
15 amending the public authorities law and the general municipal law relat-
16 ing to the New York transit authority and the metropolitan transporta-
17 tion authority, as amended by section 1 of part C of chapter 58 of the
18 laws of 2023, is amended to read as follows:

19 § 3. This act shall take effect immediately; provided that the amend-
20 ments to subdivision 1 of section 119-r of the general municipal law
21 made by section two of this act shall expire and be deemed repealed
22 April 1, [2024] ~~2034~~, and provided further that such repeal shall not
23 affect the validity or duration of any contract entered into before that
24 date pursuant to paragraph f of such subdivision.

25 § 2. This act shall take effect immediately.

26

PART B

27 Section 1. Subdivision 5-a of section 1204 of the public authorities
28 law, as amended by chapter 931 of the laws of 1984, is amended to read
29 as follows:

30 5-a. To make, amend and repeal rules governing the conduct and safety
31 of the public as it may deem necessary, convenient or desirable for the
32 use and operation of the transit facilities under its jurisdiction,
33 including without limitation rules relating to the protection or mainte-
34 nance of such facilities, the conduct and safety of the public, the
35 payment of fares or other lawful charges for the use of such facilities,
36 the presentation or display of documentation permitting free passage,
37 reduced fare passage or full fare passage on such facilities and the
38 protection of the revenue of the authority. Violations of such rules
39 shall be an offense punishable by a fine of not exceeding twenty-five
40 dollars or by imprisonment for not longer than ten days, or both, or may
41 be punishable by the imposition by the transit adjudication bureau
42 established pursuant to the provisions of this title of a civil penalty
43 in an amount for each violation not to exceed [one] two hundred dollars
44 (exclusive of supplemental penalties, interest or costs assessed there-
45 on), in accordance with a schedule of such penalties as may from time to
46 time be established by rules of the authority. If a violation of the
47 rules of the authority relating to the payment of fares is the first
48 such violation by an individual, the violation may be punishable by an
49 official written warning issued according to and governed by the rules



1 of the authority in all respects, provided that such a warning issued to
2 an individual shall not be used for any purpose other than as a predi-
3 cate to the imposition by the transit adjudication bureau of a civil
4 penalty on such individual pursuant to this subdivision in the event of
5 a subsequent violation. Such schedule of penalties may provide for the
6 imposition of [additional] supplemental penalties, not to exceed a total
7 of fifty dollars for each violation, upon the failure of a respondent in
8 any proceeding commenced with respect to any such violation to make
9 timely response to or appearance in connection with a notice of
10 violation of such rule or to any subsequent notice or order issued by
11 the authority in such proceeding. There shall be no penalty or increment
12 in fine by virtue of a respondent's timely exercise of his right to a
13 hearing or appeal. The rules may provide, in addition to any other sanc-
14 tions, for the confiscation of tokens, tickets, cards or other fare
15 media that have been forged, counterfeit, improperly altered or trans-
16 ferred, or otherwise used in a manner inconsistent with such rules.

17 § 2. Subdivisions 2, 3, 4, 5, 6, 7 and 10 of section 1209-a of the
18 public authorities law, subdivisions 2, 4, 5, 6, 7 and 10 as amended by
19 chapter 379 of the laws of 1992, subdivision 3 and paragraphs b and i of
20 subdivision 4 as amended by chapter 460 of the laws of 2015, are amended
21 to read as follows:

22 2. Hearing officers. The president of the authority shall appoint
23 hearing officers who shall preside at hearings for the adjudication of
24 charges of transit or railroad infractions, as hereinafter defined and
25 the adjudication of allegations of liability for violations of the rules
26 and regulations of the triborough bridge and tunnel authority in accord-
27 ance with section two thousand nine hundred eighty-five of this chapter,
28 and who, as provided below, may be designated to serve on the appeals
29 board of the bureau. Every hearing officer shall have been admitted to
30 the practice of law in this state for a period of at least three years,
31 and shall be compensated for his or her services on a per diem basis
32 determined by the bureau.

33 3. Jurisdiction. The bureau shall have, with respect to acts or inci-
34 dents in or on the transit or railroad facilities of the authority or
35 the metropolitan transportation authority or a subsidiary thereof
36 committed by or involving persons who are sixteen years of age or over,
37 [or with respect to acts or incidents occurring on omnibuses owned or
38 operated by the metropolitan transportation authority or a subsidiary
39 thereof,] and with respect to violation of toll collection regulations
40 of the triborough bridge and tunnel authority as described in section
41 twenty-nine hundred eighty-five of this chapter, non-exclusive jurisdic-
42 tion over violations of: (a) the rules which may from time to time be
43 established by the authority under subdivision five-a of section twelve
44 hundred four of this chapter; (b) article one hundred thirty-nine of the
45 health code of the city of New York, as it may be amended from time to
46 time, relating to public transportation facilities; (c) article four of
47 the noise control code of the city of New York, as it may be amended
48 from time to time, insofar as it pertains to sound reproduction devices;
49 (d) the rules and regulations which may from time to time be established
50 by the triborough bridge and tunnel authority in accordance with the
51 provisions of section twenty-nine hundred eighty-five of this chapter;
52 and (e) rules and regulations which may from time to time be established
53 by the metropolitan transportation authority or a subsidiary thereof in
54 accordance with the provisions of section twelve hundred sixty-six of
55 this chapter. Matters within the jurisdiction of the bureau except
56 violations of the rules and regulations of the triborough bridge and



1 tunnel authority shall be known for purposes of this section as transit
2 or railroad infractions, as applicable. Nothing herein shall be
3 construed to divest jurisdiction from any court now having jurisdiction
4 over any criminal charge or traffic infraction relating to any act
5 committed in a transit or toll facility, or to impair the ability of a
6 police officer to conduct a lawful search of a person in a transit or
7 railroad facility. The criminal court of the city of New York shall
8 continue to have jurisdiction over any criminal charge or traffic
9 infraction brought for violation of the rules of the authority, the
10 triborough bridge and tunnel authority or the metropolitan transporta-
11 tion authority or a subsidiary thereof, as well as jurisdiction relating
12 to any act which may constitute a crime or an offense under any law of
13 the state of New York or any municipality or political subdivision ther-
14 eof and which may also constitute a violation of such rules. The bureau
15 shall have concurrent jurisdiction with the environmental control board
16 and the administrative tribunal of the department of health over the
17 aforesaid provisions of the health code and noise control code of the
18 city of New York.

19 4. General powers. The bureau shall have the following functions,
20 powers and duties:

21 a. To accept pleas (whether made in person or by mail) to, and to hear
22 and determine, charges of transit and railroad infractions and allega-
23 tions of civil liability pursuant to section two thousand nine hundred
24 eighty-five of this chapter within its jurisdiction;

25 b. To impose civil penalties not to exceed a total of [one] two
26 hundred [fifty] dollars for any transit or railroad infraction within
27 its jurisdiction, in accordance with a penalty schedule established by
28 the authority or the metropolitan transportation authority or a subsid-
29 iary thereof, as applicable[, except that] (exclusive of supplemental
30 penalties, interest or costs assessed thereon). If a violation of the
31 rules of the authority or the metropolitan transportation authority or a
32 subsidiary relating to the payment of fares is the first such violation
33 by an individual, the violation may be punishable by an official written
34 warning issued according to and governed by the rules of the authority
35 or the metropolitan transportation authority or a subsidiary thereof in
36 all respects, provided that the purpose, effect and dissemination of
37 records of such warnings shall be limited as set forth in subdivision
38 five-a of section twelve hundred four of this title and subdivision four
39 of section twelve hundred sixty-six of this article. Such schedule of
40 penalties may provide for the imposition of supplemental penalties, not
41 to exceed a total of fifty dollars for each violation, upon the failure
42 of a respondent in any proceeding commenced with respect to any such
43 infraction to make timely response to or appearance in connection with a
44 notice of violation of such rule or to any subsequent notice or order
45 issued by the authority or the metropolitan transportation authority or
46 a subsidiary thereof in such proceeding. Notwithstanding the foregoing,
47 penalties for violations of the health code of the city of New York
48 shall be in accordance with the penalties established for such
49 violations by the board of health of the city of New York, and penalties
50 for violations of the noise code of the city of New York shall be in
51 accordance with the penalties established for such violations by law,
52 and civil penalties for violations of the rules and regulations of the
53 triborough bridge and tunnel authority shall be in accordance with the
54 penalties established for such violations by section twenty-nine hundred
55 eighty-five of this chapter;



1 c. In its sole discretion, to suspend or forgive penalties or any
2 portion of penalties imposed on the condition that the respondent volun-
3 tarily agrees to perform and actually does satisfactorily perform unpaid
4 services on transit or railroad facilities as assigned by the authority,
5 such as, without limitation, cleaning of rolling stock;

6 d. To adopt, amend and rescind rules and regulations not inconsistent
7 with any applicable provision of law to carry out the purposes of this
8 section, including but not limited to rules and regulations prescribing
9 the internal procedures and organization of the bureau, the manner and
10 time of entering pleas, the conduct of hearings, and the amount and
11 manner of payment of penalties;

12 e. To enter judgments and enforce them, without court proceedings, in
13 the same manner as the enforcement of money judgments in civil actions,
14 as provided below;

15 f. To compile and maintain complete and accurate records relating to
16 all warnings, charges and dispositions, which records shall be deemed
17 exempt from disclosure under the freedom of information law as records
18 compiled for law enforcement purposes, and provided that, in the absence
19 of an additional violation, records of a warning issued to an individual
20 as described in paragraph (b) of this subdivision shall be sealed or
21 expunged as of the date that is five years after the date that such
22 warning was issued;

23 g. To apply to a court of competent jurisdiction for enforcement of
24 any decision or order issued by such bureau or of any subpoena issued by
25 a hearing officer as provided in paragraph d of subdivision seven of
26 this section;

27 h. To enter into contracts with other government agencies, with
28 private organizations, or with individuals to undertake on its behalf
29 such functions as data processing, debt collections, mailing, and gener-
30 al administration, as the executive director deems appropriate, except
31 that the conduct by hearing officers of hearings and of appeals may not
32 be performed by outside contractors;

33 i. To accept payment of penalties and to remit same to the authority
34 or the metropolitan transportation authority or a subsidiary thereof, as
35 applicable; [and]

36 j. To adjudicate the liability of motor vehicle owners for violations
37 of rules and regulations established in accordance with the provisions
38 of section two thousand nine hundred eighty-five of this chapter[.];

39 k. In its sole discretion, to forgive penalties or any portion of
40 penalties imposed on a respondent for a violation of the rules of the
41 authority or of a metropolitan transportation authority bus relating to
42 the payment of fares on the condition that the respondent enrolls in the
43 fair fares program administered by the city of New York and provides
44 proof of such enrollment; and

45 l. In its sole discretion, to issue a farecard to a respondent for use
46 on transit facilities in an amount not to exceed one-half of the penalty
47 amount if the penalty was imposed on the respondent for a violation of
48 the rules of the authority or a metropolitan transportation authority
49 bus relating to the payment of fares and the violation is the second
50 such violation by the respondent, provided that the respondent shall
51 have paid the penalty in full by the date due for such payment.

52 5. Notices of violation. The bureau shall prepare and distribute
53 notices of violation in blank to the transit police and any other person
54 empowered by law, rule and regulation to serve such notices. The form
55 and wording of the notice of violation shall be prescribed by the execu-
56 tive director, and it may be the same as any other notice of violation

1 or summons form already in use if said form meets the requirements here-
2 of. The notice of violation may include provisions to record information
3 which will facilitate the identification and location of respondents,
4 including but not limited to name, address, telephone numbers, date of
5 birth, social security number if otherwise permitted by law, place of
6 employment or school, and name and address of parents or guardian if a
7 minor. Notices of violation shall be issued only to persons who are
8 sixteen years of age or over, and shall be served by delivering the
9 notice within the state to the person to be served. A copy of each
10 notice of violation served hereunder shall be filed and retained by said
11 bureau, and shall be deemed a record kept in the ordinary course of
12 business, and, if sworn to or affirmed, shall be prima facie evidence of
13 the facts contained therein. Said notice of violation shall contain
14 information advising the person charged of the manner and the time with-
15 in which such person may either admit or deny the offense charged in the
16 notice. Such notice of violation shall also contain a warning to advise
17 the person charged that failure to plead in the manner and within the
18 time stated in the notice may result in a default decision and order
19 being entered against such person, and the imposition of supplemental
20 penalties as provided in subdivision five-a of section twelve hundred
21 four or subdivision four of section twelve hundred sixty-six of this
22 chapter. A notice of violation shall not be deemed to be a notice of
23 liability issued pursuant to section two thousand nine hundred eighty-
24 five of this chapter.

25 6. Defaults. Where a respondent has failed to plead to a notice of
26 violation or to a notice of liability issued pursuant to section two
27 thousand nine hundred eighty-five of this chapter within the time
28 allowed by the rules of said bureau or has failed to appear on a desig-
29 nated hearing date or a subsequent date following an adjournment, such
30 failure to plead or appear shall be deemed, for all purposes, to be an
31 admission of liability and shall be grounds for rendering a default
32 decision and order imposing a penalty in such amount as may be
33 prescribed by the authority or the metropolitan transport authority or a
34 subsidiary thereof.

35 7. Hearings. a. (1) A person charged with a transit or railroad
36 infraction returnable to the bureau or a person alleged to be liable in
37 accordance with the provisions of section two thousand nine hundred
38 eighty-five of this chapter who contests such allegation shall be
39 advised of the date on or by which he or she must appear to answer the
40 charge at a hearing. Notification of such hearing date shall be given
41 either in the notice of violation or in a form, the content of which
42 shall be prescribed by the executive director or in a manner prescribed
43 in section two thousand nine hundred eighty-five of this chapter. Any
44 such notification shall contain a warning to advise the person charged
45 that failure to appear on or by the date designated, or any subsequent
46 rescheduled or adjourned date, shall be deemed for all purposes, an
47 admission of liability, and that a default judgment may be rendered and
48 penalties may be imposed. Where notification is given in a manner other
49 than in the notice of violation, the bureau shall deliver such notice to
50 the person charged, either personally or by registered or certified
51 mail.

52 (2) Whenever a person charged with a transit or railroad infraction or
53 alleged to be liable in accordance with the provisions of section two
54 thousand nine hundred eighty-five of this chapter returnable to the
55 bureau requests an alternate hearing date and is not then in default as
56 defined in subdivision six of this section, the bureau shall advise such

1 person personally, or by registered or certified mail, of the alternate
2 hearing date on or by which he or she must appear to answer the charge
3 or allegation at a hearing. The form and content of such notice of hear-
4 ing shall be prescribed by the executive director, and shall contain a
5 warning to advise the person charged or alleged to be liable that fail-
6 ure to appear on or by the alternate designated hearing date, or any
7 subsequent rescheduled or adjourned date, shall be deemed for all
8 purposes an admission of liability, and that a default judgment may be
9 rendered and penalties may be imposed.

10 (3) Whenever a person charged with a transit or railroad infraction or
11 alleged to be liable in accordance with the provisions of section two
12 thousand nine hundred eighty-five of this chapter returnable to the
13 bureau appears at a hearing and obtains an adjournment of the hearing
14 pursuant to the rules of the bureau, the bureau shall advise such person
15 personally, or by registered or certified mail, of the adjourned date on
16 which he or she must appear to answer the charge or allegation at a
17 continued hearing. The form and content of such notice of a continued
18 hearing shall be prescribed by the executive director, and shall contain
19 a warning to advise the person charged or alleged to be liable that
20 failure to appear on the adjourned hearing date shall be deemed for all
21 purposes an admission of liability, and that a default judgment may be
22 rendered and penalties may be imposed.

23 b. Every hearing for the adjudication of a charge of a transit or
24 railroad infraction or an allegation of liability under section two
25 thousand nine hundred eighty-five of this chapter hereunder shall be
26 held before a hearing officer in accordance with the rules and regu-
27 lations promulgated by the bureau.

28 c. The hearing officer shall not be bound by the rules of evidence in
29 the conduct of the hearing, except rules relating to privileged communi-
30 cations.

31 d. The hearing officer may, in his or her discretion, or at the
32 request of the person charged or alleged to be liable on a showing of
33 good cause and need therefor, issue subpoenas to compel the appearance
34 of any person to give testimony, and issue subpoenas duces tecum to
35 compel the production for examination or introduction into evidence of
36 any book, paper or other thing relevant to the charges.

37 e. In the case of a refusal to obey a subpoena, the bureau may make
38 application to the supreme court pursuant to section twenty-three
39 hundred eight of the civil practice law and rules, for an order requir-
40 ing such appearance, testimony or production of materials.

41 f. The bureau shall make and maintain a sound recording or other
42 record of every hearing.

43 g. After due consideration of the evidence and arguments, the hearing
44 officer shall determine whether the charges or allegations have been
45 established. No charge may be established except upon proof by clear and
46 convincing evidence except allegations of civil liability for violations
47 of triborough bridge and tunnel authority rules and regulations will be
48 established in accordance with the provisions of section two thousand
49 nine hundred eighty-five of this chapter. Where the charges have not
50 been established, an order dismissing the charges or allegations shall
51 be entered. Where a determination is made that a charge or allegation
52 has been established or if an answer admitting the charge or allegation
53 has been received, the hearing officer shall set a penalty in accordance
54 with the penalty schedule established by the authority or the metropol-
55 itan transportation authority or its subsidiaries, or for allegations of
56 civil liability in accordance with the provisions of section two thou-

1 sand nine hundred eighty-five of this chapter and an appropriate order
2 shall be entered in the records of the bureau. The respondent shall be
3 given notice of such entry in person or by certified mail. This order
4 shall constitute the final determination of the hearing officer, and for
5 purposes of review it shall be deemed to incorporate any intermediate
6 determinations made by said officer in the course of the proceeding.
7 When no appeal is filed this order shall be the final order of the
8 bureau.

9 10. Funds. All penalties collected pursuant to the provisions of this
10 section shall be paid to the authority to the credit of a transit crime
11 fund which the authority shall establish. Any sums in this fund shall be
12 used to pay for programs selected by the board of the metropolitan
13 transportation authority, in its discretion, to reduce the incidence of
14 crimes and infractions on transit and railroad facilities, or to improve
15 the enforcement of laws against such crimes and infractions. Such funds
16 shall be in addition to and not in substitution for any funds provided
17 by the state or the city of New York for such purposes.

18 § 3. Subdivision 4 of section 1266 of the public authorities law, as
19 amended by chapter 460 of the laws of 2015, is amended to read as
20 follows:

21 4. The authority may establish and, in the case of joint service
22 arrangements, join with others in the establishment of such schedules
23 and standards of operations and such other rules and regulations includ-
24 ing but not limited to rules and regulations governing the conduct and
25 safety of the public as it may deem necessary, convenient or desirable
26 for the use and operation of any transportation facility and related
27 services operated by the authority or under contract, lease or other
28 arrangement, including joint service arrangements, with the authority.
29 Such rules and regulations governing the conduct and safety of the
30 public shall be filed with the department of state in the manner
31 provided by section one hundred two of the executive law. In the case of
32 any conflict between any such rule or regulation of the authority
33 governing the conduct or the safety of the public and any local law,
34 ordinance, rule or regulation, such rule or regulation of the authority
35 shall prevail. Violation of any such rule or regulation of the authority
36 or any of its subsidiaries governing the conduct or the safety of the
37 public in or upon any facility of the authority or any of its subsid-
38 aries shall constitute an offense [and shall be] punishable by a fine
39 not exceeding fifty dollars or imprisonment for not more than thirty
40 days or both or may be punishable by the imposition of a civil penalty
41 by the transit adjudication bureau established pursuant to the
42 provisions of title nine of this article in an amount for each violation
43 not to exceed two hundred dollars (exclusive of supplemental penalties,
44 interest or costs assessed thereon), in accordance with a schedule of
45 such penalties as may from time to time be established by rules of the
46 authority or its subsidiaries. If a violation of rules of the authority
47 or a subsidiary relating to the payment of fares is the first such
48 violation by an individual, the violation may be punishable by an offi-
49 cial written warning issued according to and governed by the rules of
50 the authority or a subsidiary in all respects, provided that such a
51 warning issued to an individual shall not be used for any purpose other
52 than as a predicate to the imposition by the transit adjudication bureau
53 of a civil penalty on such individual pursuant to this subdivision in
54 the event of a subsequent violation. Such schedule of penalties may
55 provide for the imposition of supplemental penalties, not to exceed a
56 total of fifty dollars for each violation, upon the failure of a



1 respondent in any proceeding commenced with respect to any such
2 violation to make timely response to or appearance in connection with a
3 notice of violation of such rule or to any subsequent notice or order
4 issued by the authority or a subsidiary in such proceeding. There shall
5 be no penalty or increment in fine by virtue of a respondent's timely
6 exercise of their right to a hearing or appeal. The rules may provide,
7 in addition to any other sanctions, for the confiscation of tokens,
8 tickets, cards or other fare media that have been forged, counterfeit,
9 improperly altered or transferred, or otherwise used in a manner incon-
10 sistent with such rules.

11 § 4. This act shall take effect immediately.

12 PART C

13 Section 1. Subdivision 3 of section 165.15 of the penal law is amended
14 to read as follows:

15 3. With intent to obtain railroad, subway, bus, air, taxi or any other
16 public transportation service or to use any toll highway, parkway, road,
17 bridge or tunnel or enter into or remain in a tolled central business
18 district without payment of the lawful charge or toll therefor, or to
19 avoid payment of the lawful charge or toll for such transportation
20 service which has been rendered to him or her or for such use of any
21 toll highway, parkway, road, bridge or tunnel or for such entry into or
22 remaining in a tolled central business district, he or she obtains or
23 attempts to obtain such service or to use any toll highway, parkway,
24 road, bridge or tunnel or enter into or remain in a tolled central busi-
25 ness district or avoids or attempts to avoid payment therefor by force,
26 intimidation, stealth, deception or mechanical tampering, or by unjusti-
27 fiable failure or refusal to pay; or

28 § 2. Subdivision 1 of section 402 of the vehicle and traffic law is
29 amended by adding a new paragraph (c) to read as follows:

30 (c) Notwithstanding any other provision of this subdivision, it shall
31 be unlawful for any person to operate, drive or park a motor vehicle on
32 a toll highway, bridge and/or tunnel facility or enter into or remain in
33 the tolled central business district described in section seventeen
34 hundred four of this chapter, under the jurisdiction of the tolling
35 authority, if such number plates are covered by glass or any plastic
36 material, or covered or coated with any artificial or synthetic material
37 or substance that conceals or obscures such number plates or that
38 distorts a recorded or photographic image of such number plates. The
39 view of such number plates shall not be obstructed by any part of the
40 vehicle or by anything carried thereon, except for a receiver-transmit-
41 ter issued by a publicly owned tolling authority in connection with
42 electronic toll collection when such receiver-transmitter is affixed to
43 the exterior of a vehicle in accordance with mounting instructions
44 provided by the tolling authority. For purposes of this paragraph,
45 "tolling authority" shall mean every public authority which operates a
46 toll highway, bridge and/or tunnel or a central business district toll-
47 ing program, as well as the port authority of New York and New Jersey, a
48 bi-state agency created by compact set forth in chapter one hundred
49 fifty-four of the laws of nineteen hundred twenty-one, as amended.

50 § 3. Subdivision 7 of section 402 of the vehicle and traffic law, as
51 added by chapter 648 of the laws of 2006, is amended to read as follows:

52 7. It shall be unlawful for any person, firm, partnership, associ-
53 ation, limited liability company or corporation to sell, offer for sale
54 or distribute any:

1 (a) artificial or synthetic material or substance for the purpose of
2 application to a number plate that will, upon application to a number
3 plate, distort a recorded or photographic image of such number plate; or

4 (b) plate cover, material or device that will, upon installation on,
5 near or around a number plate, obstruct or obscure all or any part of
6 the identification matter of such number plate.

7 § 4. Subdivision 8 of section 402 of the vehicle and traffic law, as
8 amended by chapter 451 of the laws of 2021, is amended to read as
9 follows:

10 8. A violation of this section shall be punishable by a fine of not
11 less than twenty-five nor more than two hundred dollars, except that:

12 (a) a violation of subparagraph (ii) or subparagraph (iii) of para-
13 graph (b) of subdivision one of this section shall be punishable by a
14 fine of not less than fifty nor more than three hundred dollars; and

15 (b) a violation of paragraph (c) of subdivision one of this section
16 shall be punishable by a fine of not less than one hundred nor more than
17 five hundred dollars.

18 A police officer as defined in section one hundred thirty-two of this
19 chapter issuing a notice of violation pursuant to this section shall be
20 authorized to seize and confiscate any covering affixed over the number
21 plates which obscures the ability to easily read such number plates,
22 except that in the event of such seizure and confiscation a violation of
23 paragraph (b) or (c) of subdivision one of this section shall be punish-
24 able by a fine of not less than two hundred fifty dollars and the owner
25 of the vehicle to whom such number plates were issued shall have one
26 week from the date such violation is issued to remove, if not done by a
27 police officer pursuant to this section, any artificial or synthetic
28 material or substance that conceals or obscures such number plates or to
29 purchase new number plates. Where a police officer seizes or confiscates
30 a covering affixed to a numbered plate pursuant to this section, such
31 seizure shall be recorded on the notice of violation.

32 § 5. Subdivision 5-a of section 401 of the vehicle and traffic law is
33 amended by adding a new paragraph d to read as follows:

34 d. It shall be unlawful for any person other than a bona fide purchas-
35 er of the vehicle in an arms-length transaction, as determined in
36 accordance with the procedure below, to register, reregister, renew,
37 replace or transfer the registration, change the name, address or other
38 information of the registered owner, or change the registration classi-
39 fication of any vehicle whose vehicle identification number is associ-
40 ated with a vehicle whose registration has been suspended, or is subject
41 to a pending request from a tolling authority to suspend the registra-
42 tion, under paragraph d of subdivision three of section five hundred ten
43 of this chapter and 15 NYCRR 127.14. The commissioner or the commission-
44 er's agent may impose a vehicle identification number block and deny the
45 registration, reregistration, renewal, replacement or transfer of the
46 registration for such vehicle and vehicle identification number until
47 the tolling authority advises, in such form and manner as the commis-
48 sioner shall prescribe, that notices of violation have been responded to
49 and any unpaid tolls, fees or other charges associated with the vehicle
50 and the vehicle identification number have been paid to the tolling
51 authority. Where an application is denied pursuant to this paragraph,
52 the commissioner may, in the commissioner's discretion, deny a registra-
53 tion, reregistration, renewal, replacement or transfer of the registra-
54 tion for any other motor vehicle registered in the name of the applicant
55 where the commissioner has determined that such registrant's intent has
56 been to evade the purposes of this paragraph and where the commissioner



1 has reasonable grounds to believe that such registration, reregistra-
2 tion, renewal, replacement or transfer of registration will have the
3 effect of defeating the purposes of this paragraph. Such vehicle iden-
4 tification number block and denial shall only remain in effect until the
5 tolling authority advises, in such form and manner as the commissioner
6 shall prescribe, that notices of violation have been responded to and
7 any unpaid tolls, fees or other charges associated with the vehicle and
8 the vehicle identification number have been paid to the tolling authori-
9 ty. A bona fide purchaser in an arms-length transaction, for purposes
10 of this paragraph, is a vehicle registration applicant who provides a
11 copy of the signed bill of sale or other such contract document covering
12 such vehicle to the commissioner or the commissioner's agent, with the
13 name and address of the seller and purchaser, the purchase date, and the
14 purchase price, clearly legible. Where the vehicle registration appli-
15 cant complies with the provisions of this paragraph, that applicant
16 shall be deemed to be the bona fide purchaser of such vehicle in an
17 arms-length transaction for purposes of this paragraph, which vehicle
18 transaction shall not be subject to the discretionary vehicle identifi-
19 cation number block and discretionary registration application denial
20 otherwise provided herein.

21 § 6. Section 510 of the vehicle and traffic law is amended by adding a
22 new subdivision 4-h to read as follows:

23 4-h. Suspension of registration for failure to comply with removing
24 any artificial or synthetic material or substance that conceals or
25 obscures number plates or the purchase of new number plates. Upon the
26 receipt of a notification from a court or an administrative tribunal
27 that an owner of a motor vehicle failed to comply with subdivision eight
28 of section four hundred two of this chapter, the commissioner or his or
29 her agent may suspend the registration of the vehicle involved in the
30 violation and such suspension shall remain in effect until such time as
31 the commissioner is advised that the owner of such vehicle has satisfied
32 the requirements of such subdivision.

33 § 7. Subdivision 8 of section 2985 of the public authorities law, as
34 added by chapter 379 of the laws of 1992, is amended to read as follows:

35 8. Adjudication of the liability imposed upon owners by this section
36 shall be by the entity having jurisdiction over violations of the rules
37 and regulations of the public authority serving the notice of liability
38 or where authorized by an administrative tribunal and all violations
39 shall be heard and determined in the county in which the violation is
40 alleged to have occurred, or in New York city and upon the consent of
41 both parties, in any county within New York city in which the public
42 authority operates or maintains a facility, and in the same manner as
43 charges of other regulatory violations of such public authority or
44 pursuant to the rules and regulations of such administrative tribunal as
45 the case may be. A public authority with bridges, tunnels or highways
46 under its jurisdiction shall have the power to enter judgments for
47 unpaid liabilities for a violation of toll collection regulations and
48 enforce such judgments, without court proceedings, in the same manner as
49 the enforcement of money judgments in civil actions in any court of
50 competent jurisdiction or any other place provided for the entry of
51 civil judgment within the state of New York.

52 § 8. This act shall take effect one year after it shall have become a
53 law. Effective immediately, the addition, amendment and/or repeal of any
54 rule or regulation necessary for the implementation of this act on its
55 effective date are authorized to be made on or before such date.

1

PART D

2 Section 1. Section 1704-a of the vehicle and traffic law is amended by
3 adding a new subdivision 5 to read as follows:

4 5. (a) Any person who, in connection with any eligibility process for
5 or use of toll credits, discounts, or exemptions, knowingly makes a
6 false statement or falsifies or permits to be falsified any record or
7 records for the purpose of fraudulently obtaining a credit, discount, or
8 exemption from a central business district toll, shall be guilty of a
9 class A misdemeanor.

10 (b) Any person who violates paragraph (a) of this subdivision and as a
11 result receives credits, discounts, and/or exemptions from central busi-
12 ness district tolls with a total value in excess of one thousand dollars
13 shall be guilty of a class E felony.

14 (c) Any person who violates paragraph (a) of this subdivision and as a
15 result receives credits, discounts, and/or exemptions from central busi-
16 ness district tolls with a total value in excess of three thousand
17 dollars shall be guilty of a class D felony.

18 § 2. The public authorities law is amended by adding a new section
19 553-1 to read as follows:

20 § 553-1. Fraudulently obtaining credit, discount, or exemption from a
21 toll. 1. Notwithstanding any inconsistent provision of law, any person
22 who, in connection with any eligibility process for or use of toll cred-
23 its, discounts, or exemptions, knowingly makes a false statement or
24 falsifies or permits to be falsified any record or records for the
25 purpose of fraudulently obtaining a credit, discount, or exemption from
26 a toll charged by the Triborough bridge and tunnel authority shall be
27 guilty of a class A misdemeanor.

28 2. Any person who violates subdivision one of this section and, as a
29 result, receives credits, discounts, and/or exemptions from tolls with a
30 total value in excess of one thousand dollars shall be guilty of a class
31 E felony.

32 3. Any person who violates subdivision one of this section and, as a
33 result, receives credit, discounts, and/or exemptions from tolls with a
34 total value in excess of three thousand dollars shall be guilty of a
35 class D felony.

36 § 3. This act shall take effect on the ninetieth day after it shall
37 have become a law. Effective immediately, the addition, amendment and/or
38 repeal of any rule or regulation necessary for the implementation of
39 this act on its effective date are authorized to be made and completed
40 on or before such date.

41

PART E

42 Section 1. Section 1 of part I of chapter 413 of the laws of 1999,
43 relating to providing for mass transportation payments, as amended by
44 section 1 of part E of chapter 58 of the laws of 2022, is amended to
45 read as follows:

46 Section 1. Notwithstanding any other law, rule or regulation to the
47 contrary, payment of mass transportation operating assistance pursuant
48 to section 18-b of the transportation law shall be subject to the
49 provisions contained herein and the amounts made available therefor by
50 appropriation.

51 In establishing service and usage formulas for distribution of mass
52 transportation operating assistance, the commissioner of transportation
53 may combine and/or take into consideration those formulas used to

1 distribute mass transportation operating assistance payments authorized
 2 by separate appropriations in order to facilitate program administration
 3 and to ensure an orderly distribution of such funds.

4 To improve the predictability in the level of funding for those
 5 systems receiving operating assistance payments under service and usage
 6 formulas, the commissioner of transportation is authorized with the
 7 approval of the director of the budget, to provide service payments
 8 based on service and usage statistics of the preceding year.

9 In the case of a service payment made, pursuant to section 18-b of the
 10 transportation law, to a regional transportation authority on account of
 11 mass transportation services provided to more than one county (consider-
 12 ing the city of New York to be one county), the respective shares of the
 13 matching payments required to be made by a county to any such authority
 14 shall be as follows:

	Percentage of Matching Payment	
15		
16		
17		Local Jurisdiction
18		-----
19		In the Metropolitan Commuter
20		Transportation District:
21		New York City
22	6.40	
23		Dutchess
24	1.30	
25		Nassau
26	39.60	
27		Orange
28	0.50	
29		Putnam
30	1.30	
31		Rockland
32	0.10	
33		Suffolk
34	25.70	
35		Westchester
36	25.10	
37		In the Capital District Trans-
38		portation District:
39		Albany
40	[55.27]	<u>54.05</u>
41		Rensselaer
42	[22.96]	<u>22.45</u>
43		Saratoga
44	[4.04]	<u>3.95</u>
45		Schenectady
46	[16.26]	<u>15.90</u>
47		Montgomery
48	[1.47]	<u>1.44</u>
49		<u>Warren</u>
50	2.21	
51		In the Central New York Re-
52		gional Transportation Dis-
53		trict:
54		Cayuga
55	5.11	
		Onondaga
	75.83	
		Oswego
	2.85	
		Oneida
	16.21	
		In the Rochester-Genesee Re-
		gional Transportation Dis-
		trict:
		Genesee
	1.36	
		Livingston
	.90	
		Monroe
	90.14	
		Wayne
	.98	
		Wyoming
	.51	
		Seneca
	.64	
		Orleans
	.77	
		Ontario
	4.69	
		In the Niagara Frontier Trans-



1	portation District: Erie	89.20
2	Niagara	10.80

3 Notwithstanding any other inconsistent provisions of section 18-b of
4 the transportation law or any other law, any moneys provided to a public
5 benefit corporation constituting a transportation authority or to other
6 public transportation systems in payment of state operating assistance
7 or such lesser amount as the authority or public transportation system
8 shall make application for, shall be paid by the commissioner of trans-
9 portation to such authority or public transportation system in lieu, and
10 in full satisfaction, of any amounts which the authority would otherwise
11 be entitled to receive under section 18-b of the transportation law.

12 Notwithstanding the reporting date provision of section 17-a of the
13 transportation law, the reports of each regional transportation authori-
14 ty and other major public transportation systems receiving mass trans-
15 portation operating assistance shall be submitted on or before July 15
16 of each year in the format prescribed by the commissioner of transporta-
17 tion. Copies of such reports shall also be filed with the chairpersons
18 of the senate finance committee and the assembly ways and means commit-
19 tee and the director of the budget. The commissioner of transportation
20 may withhold future state operating assistance payments to public trans-
21 portation systems or private operators that do not provide such reports.

22 Payments may be made in quarterly installments as provided in subdivi-
23 sion 2 of section 18-b of the transportation law or in such other manner
24 and at such other times as the commissioner of transportation, with the
25 approval of the director of the budget, may provide; and where payment
26 is not made in the manner provided by such subdivision 2, the matching
27 payments required of any city, county, Indian tribe or intercity bus
28 company shall be made within 30 days of the payment of state operating
29 assistance pursuant to this section or on such other basis as may be
30 agreed upon by the commissioner of transportation, the director of the
31 budget, and the chief executive officer of such city, county, Indian
32 tribe or intercity bus company.

33 The commissioner of transportation shall be required to annually eval-
34 uate the operating and financial performance of each major public trans-
35 portation system. Where the commissioner's evaluation process has iden-
36 tified a problem related to system performance, the commissioner may
37 request the system to develop plans to address the performance deficien-
38 cies. The commissioner of transportation may withhold future state oper-
39 ating assistance payments to public transportation systems or private
40 operators that do not provide such operating, financial, or other infor-
41 mation as may be required by the commissioner to conduct the evaluation
42 process.

43 Payments shall be made contingent upon compliance with regulations
44 deemed necessary and appropriate, as prescribed by the commissioner of
45 transportation and approved by the director of the budget, which shall
46 promote the economy, efficiency, utility, effectiveness, and coordinated
47 service delivery of public transportation systems. The chief executive
48 officer of each public transportation system receiving a payment shall
49 certify to the commissioner of transportation, in addition to informa-
50 tion required by section 18-b of the transportation law, such other
51 information as the commissioner of transportation shall determine is
52 necessary to determine compliance and carry out the purposes herein.

53 Counties, municipalities or Indian tribes that propose to allocate
54 service payments to operators on a basis other than the amount earned by
55 the service payment formula shall be required to describe the proposed

1 method of distributing governmental operating aid and submit it one
2 month prior to the start of the operator's fiscal year to the commis-
3 sioner of transportation in writing for review and approval prior to the
4 distribution of state aid. The commissioner of transportation shall only
5 approve alternate distribution methods which are consistent with the
6 transportation needs of the people to be served and ensure that the
7 system of private operators does not exceed established maximum service
8 payment limits. Copies of such approvals shall be submitted to the
9 chairpersons of the senate finance and assembly ways and means commit-
10 tees.

11 Notwithstanding the provisions of subdivision 4 of section 18-b of the
12 transportation law, the commissioner of transportation is authorized to
13 continue to use prior quarter statistics to determine current quarter
14 payment amounts, as initiated in the April to June quarter of 1981. In
15 the event that actual revenue passengers and actual total number of
16 vehicle, nautical or car miles are not available for the preceding quar-
17 ter, estimated statistics may be used as the basis of payment upon
18 approval by the commissioner of transportation. In such event, the
19 succeeding payment shall be adjusted to reflect the difference between
20 the actual and estimated total number of revenue passengers and vehicle,
21 nautical or car miles used as the basis of the estimated payment. The
22 chief executive officer may apply for less aid than the system is eligi-
23 ble to receive. Each quarterly payment shall be attributable to operat-
24 ing expenses incurred during the quarter in which it is received, unless
25 otherwise specified by such commissioner. In the event that a public
26 transportation system ceases to participate in the program, operating
27 assistance due for the final quarter that service is provided shall be
28 based upon the actual total number of revenue passengers and the actual
29 total number of vehicle, nautical or car miles carried during that quar-
30 ter.

31 Payments shall be contingent on compliance with audit requirements
32 determined by the commissioner of transportation.

33 In the event that an audit of a public transportation system or
34 private operator receiving funds discloses the existence of an overpay-
35 ment of state operating assistance, regardless of whether such an over-
36 payment results from an audit of revenue passengers and the actual
37 number of revenue vehicle miles statistics, or an audit of private oper-
38 ators in cases where more than a reasonable return based on equity or
39 operating revenues and expenses has resulted, the commissioner of trans-
40 portation, in addition to recovering the amount of state operating
41 assistance overpaid, shall also recover interest, as defined by the
42 department of taxation and finance, on the amount of the overpayment.

43 Notwithstanding any other law, rule or regulation to the contrary,
44 whenever the commissioner of transportation is notified by the comp-
45 troller that the amount of revenues available for payment from an
46 account is less than the total amount of money for which the public mass
47 transportation systems are eligible pursuant to the provisions of
48 section 88-a of the state finance law and any appropriations enacted for
49 these purposes, the commissioner of transportation shall establish a
50 maximum payment limit which is proportionally lower than the amounts set
51 forth in appropriations.

52 Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a
53 of the state finance law and any other general or special law, payments
54 may be made in quarterly installments or in such other manner and at
55 such other times as the commissioner of transportation, with the
56 approval of the director of the budget may prescribe.

1 § 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2024.

3

PART F

4 Section 1. Section 5 of chapter 751 of the laws of 2005, amending the
5 insurance law and the vehicle and traffic law relating to establishing
6 the accident prevention course internet technology pilot program, as
7 amended by section 1 of part O of chapter 58 of the laws of 2022, is
8 amended to read as follows:

9 § 5. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law and shall expire and be deemed repealed April
11 1, [2024] 2026; provided that any rules and regulations necessary to
12 implement the provisions of this act on its effective date are author-
13 ized and directed to be completed on or before such date.

14 § 2. This act shall take effect immediately.

15

PART G

16 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003,
17 amending the vehicle and traffic law and other laws relating to increas-
18 ing certain motor vehicle transaction fees, as amended by section 1 of
19 part P of chapter 58 of the laws of 2022, is amended to read as follows:

20 § 13. This act shall take effect immediately; provided however that
21 sections one through seven of this act, the amendments to subdivision 2
22 of section 205 of the tax law made by section eight of this act, and
23 section nine of this act shall expire and be deemed repealed on April 1,
24 [2024] 2026; provided further, however, that the provisions of section
25 eleven of this act shall take effect April 1, 2004 and shall expire and
26 be deemed repealed on April 1, [2024] 2026.

27 § 2. Section 2 of part B of chapter 84 of the laws of 2002, amending
28 the state finance law relating to the costs of the department of motor
29 vehicles, as amended by section 2 of part P of chapter 58 of the laws of
30 2022, is amended to read as follows:

31 § 2. This act shall take effect April 1, 2002; provided, however, if
32 this act shall become a law after such date it shall take effect imme-
33 diately and shall be deemed to have been in full force and effect on and
34 after April 1, 2002; provided further, however, that this act shall
35 expire and be deemed repealed on April 1, [2024] 2026.

36 § 3. This act shall take effect immediately.

37

PART H

38 Section 1. Subdivision 1 of section 312-a of the vehicle and traffic
39 law, as amended by chapter 781 of the laws of 1983, is amended to read
40 as follows:

41 1. Upon issuance of an owner's policy of liability insurance or other
42 financial security required by this chapter, an insurer shall issue
43 proof of insurance in accordance with the regulations promulgated by the
44 commissioner [pursuant to paragraph (b) of subdivision two of section
45 three hundred thirteen of this article].

46 § 2. The vehicle and traffic law is amended by adding a new section
47 312-b to read as follows:

48 § 312-b. Online insurance verification system of motor vehicle insur-
49 ance. 1. The commissioner may establish a system for the online verifi-
50 cation of insurance. Information available in the online insurance

1 verification system shall be provided by motor vehicle insurers pursuant
2 to rules and regulations promulgated by the commissioner, if he or she
3 determines establishment of such system would further the purposes of
4 this article as set forth in subdivision two of section three hundred
5 ten of this article.

6 2. The online insurance verification system shall include, at a mini-
7 mum, the ability to:

8 (a) send requests to insurers for verification of evidence of insur-
9 ance via web services, through the internet, or a similar proprietary or
10 common carrier electronic system, as well as receive from insurers
11 verification of evidence of insurance in a form and manner as determined
12 by the commissioner;

13 (b) include appropriate provisions to secure data against unauthorized
14 access;

15 (c) be utilized for verification of the evidence of mandatory liabil-
16 ity insurance coverage as prescribed by the laws of the state and shall
17 be accessible to authorized personnel of the department, the courts, law
18 enforcement and other entities authorized by the state as permitted by
19 any state or federal privacy laws, and the online insurance verification
20 system shall be interfaced, wherever appropriate, with existing or
21 future state systems, in a form and manner as determined by the commis-
22 sioner;

23 (d) include information which shall enable the department to make
24 inquiries to insurers for evidence of insurance including but not limit-
25 ed to vehicle identification numbers and policy numbers; and

26 (e) respond to each request for insurance information within an amount
27 of time determined by the commissioner.

28 The online insurance verification system shall be capable of respond-
29 ing within the time established.

30 3. The commissioner, in conjunction with the superintendent of state
31 police and local law enforcement officials, shall formulate a means to
32 allow the online insurance verification system to be easily accessible
33 to on-duty law enforcement personnel in the performance of their offi-
34 cial duties for the purpose of verifying whether an operator of a motor
35 vehicle maintains proper insurance coverage and to increase compliance
36 with the motor vehicle financial security laws under this article and
37 article eight of this title.

38 4. Nothing in this section shall prohibit the commissioner from
39 contracting with a private sector provider or providers to implement the
40 requirements of this section or to assist in establishing and maintain-
41 ing such system in the state.

42 5. If implemented, the online insurance verification system shall
43 undergo an appropriate testing and pilot period of not less than one
44 year, after which the commissioner may certify that such system is fully
45 operational.

46 § 3. The vehicle and traffic law is amended by adding a new section
47 312-c to read as follows:

48 § 312-c. Insurer responsibilities for the online insurance verifica-
49 tion system. 1. Insurers shall provide access to motor vehicle insur-
50 ance policy status information as provided by, and consistent with any
51 time frames established by, any rules and regulations promulgated by the
52 commissioner.

53 2. Every insurer that is licensed to issue motor vehicle insurance
54 policies or is authorized to do business in the state shall comply with
55 this section and section three hundred twelve-b of this article for
56 verification of evidence of vehicle insurance for every vehicle insured

1 by that insurer in the state as required by the rules and regulations
2 promulgated by the commissioner.

3 § 4. Subdivision 2 and paragraphs (a), (b), (c), (d), (f), (g), (h),
4 and (i) of subdivision 4 of section 313 of the vehicle and traffic law
5 are REPEALED.

6 § 5. The opening paragraph and paragraph (e) of subdivision 4 of
7 section 313 of the vehicle and traffic law, as amended by chapter 509 of
8 the laws of 1998, are amended to read as follows:

9 Notwithstanding any other provision of this article to the contrary,
10 the commissioner shall establish a pilot program to maintain an up-to-
11 date insured vehicle identification database to assist in identifying
12 uninsured motor vehicles. Such databases shall be implemented by the
13 department pursuant to standards prescribed by the commissioner or an
14 agent designated by the commissioner which shall seek technical assist-
15 ance from affected insurers and the New York Automobile Insurance Plan.
16 This program shall utilize all information collected pursuant to this
17 section and shall also include the following elements:

18 [(e)(1)] (a) Either simultaneously or after the up-dated database
19 system has been established, the commissioner shall develop a computer
20 indicator that can be imprinted on a vehicle registration sticker or on
21 a sticker to be affixed to the insured's license plate. Such indicator
22 system shall enable law enforcement personnel and other authorized
23 persons when acting in the course of their official duties to access the
24 department's database so that such persons can ascertain whether a vehi-
25 cle is properly insured or not insured;

26 [(2)] (b) Such computer indicator system shall enable authorized
27 persons in the performance of their official duties to access informa-
28 tion such as the registrant's name, vehicle identification number, name
29 of insurer, current status of insurance, vehicle registration number and
30 other information that the commissioner deems necessary to implement the
31 provisions of this section. The commissioner in developing such computer
32 indicator system shall enable authorized persons in the performance of
33 their official duties to access only such information that is necessary
34 to detect uninsured motor vehicles or accomplish other goals clearly
35 established and authorized by law. Such computer indicator system shall
36 be designed to protect the personal privacy interests of motorists;

37 § 6. Subdivision 3 of section 313 of the vehicle and traffic law, as
38 amended by chapter 781 of the laws of 1983, is amended to read as
39 follows:

40 3. A cancellation or termination for which notice is required to be
41 filed with the commissioner [pursuant to subdivision two of this
42 section] shall not be effective with respect to persons other than the
43 named insured and members of the insured's household until the insurer
44 has filed a notice thereof with the commissioner or until another insur-
45 ance policy covering the same risk has been procured, except that a
46 notice filed with the commissioner, in the format prescribed by the
47 commissioner[, within the period prescribed in subdivision two of this
48 section] shall be effective as of the date certified therein, regardless
49 of whether a suspension order is issued pursuant to section three
50 hundred eighteen of this article. A receipt from the department stating
51 that a notice of termination has been filed shall be deemed conclusive
52 evidence of such filing. An insurer shall cooperate with the commission-
53 er in attempting to identify persons not in compliance with this article
54 in cases where the information reported by the insurer does not corre-
55 spond with records maintained by the department.

1 § 7. Paragraph (d) of subdivision 3 of section 317 of the vehicle and
2 traffic law is REPEALED.

3 § 8. This act shall take effect immediately; provided, however,
4 sections one and two of this act shall take effect if and when the
5 online insurance verification system is installed and fully operational
6 pursuant to subdivision 5 of section 312-b of the vehicle and traffic
7 law, as added by section three of this act, as certified by the Commis-
8 sioner of the Department of Motor Vehicles. Effective immediately, the
9 addition, amendment and/or repeal of any rule or regulation necessary
10 for the implementation of this act on its effective date are authorized
11 to be made and completed on or before such date.

12

PART I

13 Section 1. Paragraphs 26 and 27 of subdivision (a) of section 1642 of
14 the vehicle and traffic law, paragraph 26 as added and paragraph 27 as
15 amended by chapter 248 of the laws of 2014, are amended to read as
16 follows:

17 26. (a) With respect to highways (which term for the purposes of this
18 paragraph shall include private roads open to public motor vehicle traf-
19 fic) in such city, other than state highways maintained by the state on
20 which the department of transportation shall have established higher or
21 lower speed limits than the statutory fifty-five miles per hour speed
22 limit as provided in section sixteen hundred twenty of this title, or on
23 which the department of transportation shall have designated that such
24 city shall not establish any maximum speed limit as provided in section
25 sixteen hundred twenty-four of this title, subject to the limitations
26 imposed by section sixteen hundred eighty-four of this title, establish-
27 ment of maximum speed limits at which vehicles may proceed within such
28 city or within designated areas of such city higher or lower than the
29 fifty-five miles per hour maximum statutory limit. No such speed limit
30 applicable throughout such city or within designated areas of such city
31 shall be established at less than [twenty-five] twenty miles per hour,
32 except that school speed limits may be established at no less than
33 [fifteen] ten miles per hour [pursuant to] notwithstanding the
34 provisions of section sixteen hundred forty-three of this article.

35 (b) A city shall not lower or raise a speed limit by more than five
36 miles per hour pursuant to this paragraph unless such city provides
37 written notice and an opportunity to comment to the community board or
38 community boards established pursuant to section twenty-eight hundred of
39 the New York city charter with jurisdiction over the area in which the
40 lower or higher speed limit shall apply. Such notice may be provided by
41 electronic mail and shall be provided sixty days prior to the establish-
42 ment of such lower or higher speed limit.

43 27. (a) Establishment of maximum speed limits below [twenty-five]
44 twenty miles per hour at which motor vehicles may proceed on or along
45 designated highways within such city for the explicit purpose of imple-
46 menting traffic calming measures as such term is defined herein;
47 provided, however, that no speed limit shall be set below [fifteen] ten
48 miles per hour nor shall such speed limit be established where the traf-
49 fic calming measure to be implemented consists solely of a traffic
50 control sign. Establishment of such a speed limit shall, where applica-
51 ble, be in compliance with the provisions of sections sixteen hundred
52 twenty-four and sixteen hundred eighty-four of this [chapter] title.
53 Nothing contained herein shall be deemed to alter or affect the estab-
54 lishment of school speed limits pursuant to the provisions of section

1 sixteen hundred forty-three of this article, provided that the school
2 speed limit set forth in paragraph twenty-six of this subdivision shall
3 apply in any city to which this section is applicable. For the purposes
4 of this paragraph, "traffic calming measures" shall mean any physical
5 engineering measure or measures that reduce the negative effects of
6 motor vehicle use, alter driver behavior and improve conditions for
7 non-motorized street users such as pedestrians and bicyclists.

8 (b) Any city establishing maximum speed limits below [twenty-five]
9 twenty miles per hour pursuant to clause (i) of this subparagraph shall
10 submit a report to the governor, the temporary president of the senate
11 and the speaker of the assembly on or before March first, two thousand
12 fifteen and biannually thereafter on the results of using traffic calm-
13 ing measures and speed limits lower than [twenty-five] twenty miles per
14 hour as authorized by this paragraph. This report shall also be made
15 available to the public by such city on its website. Such report shall
16 include, but not be limited to the following:

17 (i) a description of the designated highways where traffic calming
18 measures and a lower speed limit were established [and];

19 (ii) a description of the specific traffic calming measures used and
20 the maximum speed limit established; and

21 (iii) a comparison of the aggregate type, number, and severity of
22 accidents reported on streets on which street calming measures and lower
23 speed limits were implemented in the year preceding the implementation
24 of such measures and policies and the year following the implementation
25 of such measures and policies, to the extent this information is main-
26 tained by any agency of the state or the city.

27 § 2. This act shall take effect immediately.

28

PART J

29 Section 1. Section 3 of part FF of chapter 55 of the laws of 2017,
30 relating to motor vehicles equipped with autonomous vehicle technology,
31 as amended by section 1 of part J of chapter 58 of the laws of 2023, is
32 amended to read as follows:

33 § 3. This act shall take effect April 1, 2017; provided, however, that
34 section one of this act shall expire and be deemed repealed April 1,
35 [2024] 2026.

36 § 2. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after April 1, 2024.

38

PART K

39 Section 1. Short title. This act shall be known and may be cited as
40 the "stretch limousine passenger safety act".

41 § 2. Subdivision 9 of section 138 of the transportation law, as
42 amended by chapter 12 of the laws of 2020, is amended to read as
43 follows:

44 9. To maintain and annually update its website to provide information
45 with regard to each bus operator or motor carrier under subparagraphs
46 (ii) and (vi) of paragraph a of subdivision two of section one hundred
47 forty of this article requiring department operating authority that
48 includes the bus operator's or motor carrier's name, number of
49 inspections, number of out of service orders, operator identification
50 number, location and region of operation including place of address,
51 percentile to which an operator or motor carrier falls with respect to
52 out of service defects, the number or percentage of out of service

1 defects where pursuant to the commissioner's regulations no inspection
2 certificate shall be issued until the defect is repaired and a re-in-
3 spection is conducted, and the number of serious physical injury or
4 fatal crashes involving a for-hire vehicle requiring operating authority
5 pursuant to this article, and any additional publicly available informa-
6 tion provided in accordance with the safety fitness standards estab-
7 lished pursuant to part three hundred eighty-five of title forty-nine of
8 the code of federal regulations.

9 § 3. Subparagraph (iii) of paragraph (b) of subdivision 10 of section
10 138 of the transportation law, as added by chapter 5 of the laws of
11 2020, is amended to read as follows:

12 (iii) In consultation and cooperation with the commissioner of motor
13 vehicles, the commissioner shall report on safety issues reported to
14 such website, and toll-free hotline and related investigations summariz-
15 ing (A) the total number of safety issue reports received and the type
16 of safety issues reported; (B) the total number of safety issue reports
17 received and the type of safety issues reported where the commissioner
18 or the commissioner of motor vehicles, as applicable, verified the
19 information provided; (C) enforcement actions and other responses taken
20 by the commissioner or the commissioner of motor vehicles, as applica-
21 ble, to safety issue reports received where the commissioner or the
22 commissioner of motor vehicles, as applicable, has verified such infor-
23 mation; and (D) the length of time between the receipt of safety issue
24 reports from such website, or hotline and enforcement action or other
25 response by the commissioner or the commissioner of motor vehicles, as
26 applicable. Such report shall be made publicly available on the depart-
27 ment's website in a searchable format, [and] shall be published no less
28 than once annually, and shall compare the previous three years of report
29 data to the extent applicable. Such report may also be included within
30 the department's annual report submitted pursuant to subdivision thir-
31 teen of section fourteen of this chapter.

32 § 4. Paragraph b of subdivision 9 of section 140 of the transporta-
33 tion law, as amended by chapter 9 of the laws of 2020, is amended to
34 read as follows:

35 b. (i) Whenever [an altered motor vehicle commonly referred to as a
36 "stretch limousine"] one of the motor vehicles enumerated in paragraph a
37 of subdivision two of this section has failed an inspection and been
38 placed out-of-service, the commissioner may direct a police officer or
39 his or her agent to immediately secure possession of the number plates
40 of such vehicle and return the same to the commissioner of motor vehi-
41 cles. The commissioner shall notify the commissioner of motor vehicles
42 to that effect, and the commissioner of motor vehicles shall thereupon
43 suspend the registration of such vehicle until such time as the commis-
44 sioner gives notice that the out-of-service defect has been satisfac-
45 torily adjusted. Provided, however, that the commissioner shall give
46 notice and an opportunity to be heard within not more than thirty days
47 of the suspension. Failure of the holder or of any person possessing
48 such plates to deliver to the commissioner or his or her agent who
49 requests the same pursuant to this paragraph shall be a misdemeanor. The
50 commissioner of motor vehicles shall have the authority to deny a regis-
51 tration or renewal application to any other person for the same vehicle
52 where it has been determined that such registrant's intent has been to
53 evade the purposes of this paragraph and where the commissioner of motor
54 vehicles has reasonable grounds to believe that such registration or
55 renewal will have the effect of defeating the purposes of this para-
56 graph. The procedure on any such suspension shall be the same as in the

1 case of a suspension under the vehicle and traffic law. Operation of
2 such motor vehicle while under suspension as provided in this subdivi-
3 sion shall constitute a class A misdemeanor and shall be punishable by a
4 fine of not less than ten thousand dollars and assessed to the holder or
5 of any person possessing such plates for each offense committed, in
6 addition to any other fines, penalties or actions taken with respect to
7 such conduct.

8 (ii) (a) Upon the seizure of number plates pursuant to subparagraph
9 (i) of this paragraph, if the out-of-service defect is of a type where
10 pursuant to the commissioner's regulations no inspection certificate
11 will be issued until the defect is repaired and a re-inspection is
12 conducted, or is related to its horn, and the commissioner determines
13 that allowing the [altered] motor vehicle to leave the inspection area
14 would be contrary to public safety, the commissioner may: (A) remove or
15 arrange for the removal of, or may direct any police officer to remove
16 or arrange for the removal of, the [altered] motor vehicle to a non-
17 public garage or other place of safety where it shall remain impounded,
18 subject to the provisions of this section; or (B) immobilize or arrange
19 for the immobilization of the [altered] motor vehicle on premises owned
20 or under the control of the owner of such [altered] motor vehicle,
21 subject to the provisions of this section. The [altered] motor vehicle
22 shall be entered into the New York statewide police information network
23 as an impounded or immobilized vehicle and the commissioner shall
24 promptly notify the owner that the [altered] motor vehicle has been
25 impounded or immobilized and the reason or reasons for such impoundment
26 or immobilization, and give such owner an opportunity to be heard within
27 not more than thirty days of the suspension imposed pursuant to subpara-
28 graph (i) of this paragraph.

29 (b) A motor vehicle so impounded or immobilized shall be in the custo-
30 dy of the commissioner and shall not be released unless the commissioner
31 is satisfied that repairs have been scheduled or been made to satisfac-
32 torily adjust such vehicle's out-of-service defect or defects and such
33 vehicle has been re-inspected.

34 (c) The commissioner shall provide written notice to the owner or
35 operator of the service repair shop or impoundment lot informing them
36 that such impounded vehicle shall not be released without the written
37 approval of the commissioner. Release of such impounded vehicle without
38 approval by the commissioner shall be punishable by a fine of up to ten
39 thousand dollars[;].

40 § 5. Section 375 of the vehicle and traffic law is amended by adding a
41 new subdivision 55 to read as follows:

42 55. Stretch limousine anti-intrusion protection. (a) Every stretch
43 limousine registered in this state shall be equipped with roll-over
44 protection devices such as cages or pillars and anti-intrusion bars for
45 the purpose of protecting rear compartment passengers, within no later
46 than one year of the date upon which the national highway traffic safety
47 administration promulgates final regulations establishing standards for
48 commercial roll-over protection devices.

49 (b) For the purposes of this subdivision "stretch limousine" shall
50 mean an altered motor vehicle having a seating capacity of nine or more
51 passengers, including the driver, commonly referred to as a "stretch
52 limousine" and which is used in the business of transporting passengers
53 for compensation.

54 § 6. Subdivision 2 of section 152 of the transportation law, as added
55 by chapter 635 of the laws of 1983, is amended to read as follows:

1 2. (a) No person or persons shall engage in intrastate transportation
2 as a contract carrier of passengers by motor vehicle on any highway in
3 this state, or hold themselves out by advertising or any other means to
4 provide such transportation, unless there is in force with respect to
5 such person or persons a permit issued by the commissioner.

6 (b) No such permit shall be issued by the commissioner to any such
7 person or persons who operate one or more stretch limousines without
8 verification that each and every stretch limousine is equipped with a
9 window break tool, an operational fire extinguisher, and shall ensure
10 that the driver and passenger partitions can be used for emergency
11 vehicular egress if other forms of egress are not available such as a
12 roof hatch.

13 (c) For the purposes of this subdivision:

14 (i) "Stretch limousine" shall mean an altered motor vehicle having a
15 seating capacity of nine or more passengers, including the driver,
16 commonly referred to as a "stretch limousine" and which is used in the
17 business of transporting passengers for compensation; and

18 (ii) "Window break tool" shall mean a tool that can be used to open
19 the windows of a stretch limousine in the event of an emergency, which
20 can be safely stored when not in use.

21 § 7. Section 375 of the vehicle and traffic law is amended by adding a
22 new subdivision 56 to read as follows:

23 56. Stretch limousine age and mileage parameters. (a) It shall be
24 unlawful to operate or cause to be operated a stretch limousine regis-
25 tered in this state on any public highway or private road open to public
26 motor vehicle traffic if the vehicle is more than ten years old or the
27 cumulative mileage registered on the vehicle's odometer exceeds three
28 hundred fifty thousand miles, whichever occurs first.

29 (b) For the purposes of this subdivision, "stretch limousine" shall
30 mean an altered motor vehicle having a seating capacity of nine or more
31 passengers, including the driver, commonly referred to as a "stretch
32 limousine" and which is used in the business of transporting passengers
33 for compensation.

34 (c) (i) A stretch limousine with an odometer reading that differs from
35 the number of miles the stretch limousine has actually traveled or that
36 has had a prior history involving the disconnection or malfunctioning of
37 an odometer or which appears to the commissioner to have an inaccurate
38 odometer reading based on prior inspection records, will be assigned an
39 imputed mileage for each month from the last reliable odometer recording
40 through the date of inspection, as provided in subparagraph (ii) of this
41 paragraph. A motor carrier may seek review of the determination to
42 assign imputed mileage as provided pursuant to article six of the trans-
43 portation law and 17 NYCRR Parts 500 and 720.

44 (ii) The imputed mileage shall be calculated by adding the mileage of
45 the stretch limousine recorded at the two most recent stretch limousine
46 inspections, including roadside inspections conducted by the commission-
47 er of transportation or division of state police, whichever is more
48 recent, and dividing that sum by twenty-four. The quotient is the imput-
49 ed monthly mileage.

50 (iii) Unless otherwise provided by the commissioner of transportation,
51 a stretch limousine may not be introduced to transport passengers for
52 compensation or continue transporting passengers for compensation if a
53 reliable baseline odometer reading cannot be ascertained.

54 (iv) A motor carrier or operator who knows or has reason to believe
55 that the odometer reading of a limousine differs from the number of
56 miles the stretch limousine has actually traveled shall disclose that

1 status to the commissioner or the department of transportation imme-
2 diately.

3 § 8. Section 509-g of the vehicle and traffic law is amended by adding
4 a new subdivision 7 to read as follows:

5 7. In addition to any other provisions of this section, in the event
6 the commissioner requires the provision of live in-person pre-trip safe-
7 ty briefings, all motor carriers shall regularly require each driver who
8 operates altered motor vehicles commonly referred to as "stretch limou-
9 sines" to demonstrate their proficiency in providing pre-trip safety
10 briefings required pursuant to subdivision nine of section five hundred
11 nine-m of this article.

12 § 9. Section 509-m of the vehicle and traffic law is amended by adding
13 a new subdivision 9 to read as follows:

14 9. (a) Establish and regularly update the form and content of a pre-
15 trip safety briefing for motor carriers that operate altered motor vehi-
16 cles commonly referred to as "stretch limousines", which operators shall
17 provide to passengers prior to transporting any persons for hire in such
18 stretch limousine.

19 (b) The commissioner shall coordinate with the department of transpor-
20 tation and the division of state police in preparing the form and
21 content of such safety briefing, and may engage additional entities or
22 individuals he or she deems appropriate.

23 § 10. Section 401 of the vehicle and traffic law is amended by adding
24 a new subdivision 24 to read as follows:

25 24. For the purposes of this section, an altered vehicle, commonly
26 referred to as "stretch limousines", shall mean a motor vehicle that has
27 been altered so as to have an extended chassis, a lengthened wheelbase,
28 or an elongated seating area. Registration plates for such vehicles
29 shall be of a type and design approved by the commissioner.

30 § 11. The vehicle and traffic law is amended by adding a new section
31 397-d to read as follows:

32 § 397-d. For-hire rebuttable presumption. For the purposes of this
33 title and notwithstanding any other provision of law, there shall be a
34 rebuttable presumption that any altered vehicle, commonly referred to as
35 a "stretch limousine", as defined in subdivision twenty-four of section
36 four hundred one of this chapter, any limousine, or any motor vehicle
37 that is capable of seating nine or more persons including the driver
38 when in use upon a public highway, private road open to public motor
39 vehicle traffic, or any parking lot, is being operated in a for-hire
40 capacity.

41 § 12. The vehicle and traffic law is amended by adding two new
42 sections 115-e and 115-f to read as follows:

43 § 115-e. For-hire. The business of carrying or transporting passengers
44 for direct or indirect compensation, except that such term shall not
45 apply to article forty-four-B of this chapter.

46 § 115-f. For-hire vehicle. A motor vehicle used in the business of
47 carrying or transporting passengers for direct or indirect compensation,
48 except that such term shall not apply to article forty-four-B of this
49 chapter.

50 § 13. Severability. If any clause, sentence, subdivision, paragraph,
51 section or part of this act be adjudged by any court of competent juris-
52 diction to be invalid, or if any federal agency determines in writing
53 that this act would render New York state ineligible for the receipt of
54 federal funds, such judgment or written determination shall not affect,
55 impair or invalidate the remainder thereof, but shall be confined in its
56 operation to the clause, sentence, subdivision, paragraph, section or

1 part thereof directly involved in the controversy in which such judgment
2 or written determination shall have been rendered.

3 § 14. This act shall take effect immediately; provided, however,
4 sections two, three, four, eight, nine, eleven, and twelve of this act
5 shall take effect one year after it shall have become a law; provided
6 further, however, sections seven and ten of this act shall take effect
7 two years after it shall have become a law; provided further, however,
8 section six of this act shall take effect on the one hundred eightieth
9 day after it shall have become a law; provided further, however, that
10 sections four, five and six of this act shall be deemed repealed if any
11 federal agency determines in writing that this act would render New York
12 state ineligible for the receipt of federal funds or any court of compe-
13 tent jurisdiction finally determines that this act would render New York
14 state out of compliance with federal law or regulation; provided that
15 the commissioner of motor vehicles or the commissioner of transportation
16 shall notify the legislative bill drafting commission upon the occur-
17 rence of any federal agency determining in writing that this act would
18 render New York state ineligible for the receipt of federal funds or any
19 court of competent jurisdiction finally determines that this act would
20 render New York state out of compliance with federal law or regulation
21 in order that the commission may maintain an accurate and timely effec-
22 tive data base of the official text of the laws of the state of New York
23 in furtherance of effectuating the provisions of section 44 of the
24 legislative law and section 70-b of the public officers law. Effective
25 immediately, the addition, amendment and/or repeal of any rule or regu-
26 lation necessary for the implementation of this act on its effective
27 date are authorized to be made and completed on or before such effective
28 date.

29 PART L

30 Section 1. Chapter 882 of the laws of 1953 relating to waterfront
31 employment and air freight industry regulation is REPEALED.

32 § 2. The executive law is amended by adding a new article 19-I to read
33 as follows:

34 ARTICLE 19-I

35 WATERFRONT COMMISSION ACT

36 Section 534. Short title.

37 534-a. Legislative findings and declarations.

38 534-b. Definitions.

39 534-c. New York waterfront commission established.

40 534-d. General powers of the commission.

41 534-e. Designation as agent of the state.

42 534-f. Pier superintendents and hiring agents.

43 534-g. Stevedores.

44 534-h. Prohibition of public loading.

45 534-i. Longshoremen's register.

46 534-j. List of qualified longshoremen for employment as check-
47 ers.

48 534-k. Regularization of longshoremen's employment.

49 534-l. Suspension or acceptance of applications for inclusion in
50 the longshoremen's register; exceptions.

51 534-m. Port watchmen.

52 534-n. Hearings, determinations and review.

53 534-o. Employment information centers.



1 534-p. Implementation of telecommunications hiring system for
2 longshoremen and checkers; registration of telecommu-
3 nications system controller.

4 534-q. Construction of act.

5 534-r. Certain solicitations prohibited; prohibition against the
6 holding of union position by officers, agents or
7 employees who have been convicted of certain crimes
8 and offenses.

9 534-s. General violations; prosecutions; penalties.

10 534-t. Denial of applications.

11 534-u. Revocation of licenses and registrations.

12 534-v. Refusal to answer question, immunity; prosecution.

13 534-w. Annual preparation of a budget request and assessments.

14 534-x. Payment of assessment.

15 534-y. Transfer of officers, employees.

16 § 534. Short title. This article shall be known and may be cited as
17 the "waterfront commission act".

18 § 534-a. Legislative findings and declarations. 1. The state of New
19 York hereby finds and declares that:

20 (a) In 1953, the conditions under which waterfront labor was employed
21 within the port of New York district were depressing and degrading to
22 such labor, resulting from the lack of any systematic method of hiring,
23 the lack of adequate information as to the availability of employment,
24 corrupt hiring practices and the fact that persons conducting such
25 hiring were frequently criminals and persons notoriously lacking in
26 moral character and integrity and neither responsive or responsible to
27 the employers nor to the uncoerced will of the majority of the members
28 of the labor organizations of the employees; that as a result waterfront
29 laborers suffered from irregularity of employment, fear and insecurity,
30 inadequate earnings, an unduly high accident rate, subjection to borrow-
31 ing at usurious rates of interest, exploitation and extortion as the
32 price of securing employment and a loss of respect for the law; that not
33 only did there result a destruction of the dignity of an important
34 segment of American labor, but a direct encouragement of crime which
35 imposed a levy of greatly increased costs on food, fuel and other neces-
36 saries handled in and through the port of New York district.

37 (b) Many of these evils resulted not only from the causes above
38 described but from the practices of public loaders at piers and other
39 waterfront terminals. Such public loaders served no valid economic
40 purpose and operated as parasites exacting a high and unwarranted toll
41 on the flow of commerce in and through the port of New York district,
42 and used force and engaged in discriminatory and coercive practices
43 including extortion against persons not desiring to employ them. The
44 states of New York and New Jersey found that the function of loading and
45 unloading trucks and other land vehicles at piers and other waterfront
46 terminals should be performed, as in every other major American port,
47 without the evils and abuses of the public loader system, and by the
48 carriers of freight by water, stevedores and operators of such piers and
49 other waterfront terminals or the operators of such trucks or other land
50 vehicles.

51 (c) Many of the above described evils also resulted from the lack of
52 regulation of the occupation of stevedores, who engaged in corrupt prac-
53 tices to induce their hire by carriers of freight by water and to induce
54 officers and representatives of labor organizations to betray their
55 trust to the members of such labor organizations.

1 (d) The method of employment of longshoremen and port watchmen,
2 commonly known as the "shape-up", resulted in vicious and notorious
3 abuses, of which such employees were the principal victims. There was
4 compelling evidence that the shape-up permitted and encouraged extortion
5 from employees as the price of securing or retaining employment and
6 subjected such employees to threats of violence, unwilling joinder in
7 unauthorized labor disturbances and criminal activities on the water-
8 front. The shape-up resulted in a loss of fundamental rights and liber-
9 ties of labor, impaired the economic stability of the port of New York
10 district and weakened law enforcement therein. The states of New York
11 and New Jersey found that these practices and conditions must be elimi-
12 nated to prevent grave injury to the welfare of waterfront laborers and
13 of the people at large and that the elimination of the shape-up and the
14 establishment of a system of employment information centers were neces-
15 sary to a solution for these public problems.

16 (e) The two states found that the occupations of longshoremen, steve-
17 dores, pier superintendents, hiring agents and port watchmen were
18 affected with a public interest requiring their regulation and that such
19 regulation was deemed an exercise of the police power of the two states
20 for the protection of the public safety, welfare, prosperity, health,
21 peace and living conditions of the people of the two states. The Water-
22 front Commission of New York Harbor ("bi-state commission") was formed
23 through a congressionally approved compact to investigate, deter, combat
24 and remedy criminal activity and influence in the port and to ensure
25 fair hiring and employment practices so that the port and region could
26 grow and prosper.

27 (f) The bi-state commission worked to break the cycle of corruption at
28 the port, and effectuated transformative changes on the waterfront. Its
29 efforts led to the conviction of organized-crime members and associates
30 for murder, extortion, drug trafficking, theft, racketeering, illegal
31 gambling, and loansharking, among other crimes. In recent years, its
32 investigations led to prosecutions of union officials and members of the
33 traditional organized crime families which have been found to control or
34 exert significant influence over the union of dockworkers and commercial
35 activity on the waterfront. The bi-state commission's investigations
36 also led to the exclusion or removal from the port workforce of individ-
37 uals who were convicted of serious crimes or were associated with organ-
38 ized crime. It worked to overcome discrimination and other unfair hiring
39 practices and continued to extirpate corruption and racketeering in the
40 port of New York district until New Jersey's withdrawal from the
41 bi-state compact pursuant to chapter 324 of the laws of 2017 of the
42 state of New Jersey.

43 (g) Although law enforcement's efforts against traditional organized
44 crime influence have been successful, such influence remains a signif-
45 icant threat in the New York metropolitan area, particularly in the
46 port. Continued oversight is essential to ensure fair and nondiscrimina-
47 tory hiring practices, to eliminate labor racketeering and the victimi-
48 zation of legitimate union members and port businesses, and to prevent
49 organized crime figures from directly operating at the critical points
50 of interstate and international shipping.

51 § 534-b. Definitions. As used in this article, all references to the
52 masculine gender shall be deemed to include all genders. The following
53 terms shall have the following meanings:

54 1. "Act" shall mean this article and rules or regulations lawfully
55 promulgated thereunder and shall include any amendments or supplements
56 to this article to implement the purposes thereof.

1 2. "Bi-state commission" shall mean the Waterfront Commission of New
2 York Harbor established by the state of New York pursuant to P.L. 1953,
3 c.882 (NY Unconsol. Ch.307, s.1) and by the state of New Jersey pursuant
4 to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.).

5 3. "Carrier of freight by water" shall mean any person who may be
6 engaged or who may hold himself out as willing to be engaged, whether as
7 a common carrier, as a contract carrier or otherwise (except for
8 carriage of liquid cargoes in bulk in tank vessels designed for use
9 exclusively in such service or carriage by barge of bulk cargoes
10 consisting of only a single commodity loaded or carried without wrappers
11 or containers and delivered by the carrier without transportation mark
12 or count) in the carriage of freight by water between any point in the
13 port of New York district and a point outside said district.

14 4. "Container" shall mean any receptacle, box, carton or crate which
15 is specifically designed and constructed so that it may be repeatedly
16 used for the carriage of freight by a carrier of freight by water.

17 5. "Checker" shall mean a longshoreman who is employed to engage in
18 direct and immediate checking of waterborne freight or of the custodial
19 accounting therefor or in the recording or tabulation of the hours
20 worked at piers or other waterfront terminals by natural persons
21 employed by carriers of freight by water or stevedores.

22 6. "Commission" shall mean the New York waterfront commission estab-
23 lished by section five hundred thirty-four-c of this article.

24 7. "Career offender" shall mean a person whose behavior is pursued in
25 an occupational manner or context for the purpose of economic gain
26 utilizing such methods as are deemed criminal violations against the
27 public policy of the state of New York.

28 8. "Career offender cartel" shall mean a number of career offenders
29 acting in concert, and may include what is commonly referred to as an
30 organized crime group.

31 9. "Court of the United States" shall mean all courts enumerated in
32 section four hundred fifty-one of title twenty-eight of the United
33 States Code and the courts-martial of the armed forces of the United
34 States.

35 10. "Freight" shall mean freight which has been, or will be, carried
36 by or consigned for carriage by a carrier of freight by water.

37 11. "Hiring agent" shall mean any natural person, who on behalf of a
38 carrier of freight by water or a stevedore or any other person shall
39 select any longshoreman for employment.

40 12. "Longshoreman" shall mean: (a) a natural person, other than a
41 hiring agent, who is employed for work at a pier or other waterfront
42 terminal, either by a carrier of freight by water or by a stevedore to:

43 (1) physically move waterborne freight on vessels berthed at piers, on
44 piers or at other waterfront terminals; or

45 (2) engage in direct and immediate checking of any such freight or of
46 the custodial accounting therefor or in the recording or tabulation of
47 the hours worked at piers or other waterfront terminals by natural
48 persons employed by carriers of freight by water or stevedores; or

49 (3) supervise directly and immediately others who are employed as in
50 subparagraph one of this paragraph; or

51 (4) physically perform labor or services incidental to the movement of
52 waterborne freight on vessels berthed at piers, on piers or at other
53 waterfront terminals, including, but not limited to, cargo repairmen,
54 coopers, general maintenance men, mechanical and miscellaneous workers,
55 horse and cattle fitters, grain ceilers and marine carpenters; or



1 (b) a natural person, other than a hiring agent, who is employed for
2 work at a pier or other waterfront terminal by any person to:

3 (1) physically move waterborne freight to or from a barge, lighter or
4 railroad car for transfer to or from a vessel of a carrier of freight by
5 water which is, shall be, or shall have been berthed at the same pier or
6 other waterfront terminal; or

7 (2) perform labor or services involving, or incidental to, the move-
8 ment of freight at a waterfront terminal as defined in subdivision
9 fifteen of this section.

10 13. "Longshoremen's register" shall mean the register of eligible
11 longshoremen compiled and maintained by the commission pursuant to
12 section five hundred thirty-four-i of this article.

13 14. "Marine terminal" shall mean an area which includes piers, which
14 is used primarily for the moving, warehousing, distributing or packing
15 of waterborne freight or freight to or from such piers, and which,
16 inclusive of such piers, is under common ownership or control.

17 15. "Other waterfront terminal" shall include:

18 (a) any warehouse, depot or other terminal (other than a pier) which
19 is located within one thousand yards of any pier in the port of New York
20 district in this state and which is used for waterborne freight in whole
21 or substantial part; or

22 (b) any warehouse, depot or other terminal (other than a pier), wheth-
23 er enclosed or open, which is located in a marine terminal in the port
24 of New York district in this state and any part of which is used by any
25 person to perform labor or services involving, or incidental to, the
26 movement of waterborne freight or freight.

27 16. "Person" shall mean not only a natural person but also any part-
28 nership, joint venture, association, corporation or any other legal
29 entity but shall not include the United States, any state or territory
30 thereof or any department, division, board, commission or authority of
31 one or more of the foregoing.

32 17. "Pier" shall include any wharf, pier, dock or quay.

33 18. "Pier superintendent" shall mean any natural person other than a
34 longshoreman who is employed for work at a pier or other waterfront
35 terminal by a carrier of freight by water or a stevedore and whose work
36 at such pier or other waterfront terminal includes the supervision,
37 directly or indirectly, of the work of longshoremen.

38 19. "Port of New York district" shall mean the district created by
39 article II of the compact dated April thirtieth, nineteen hundred twen-
40 ty-one, between the states of New York and New Jersey, authorized by
41 chapter one hundred fifty-four of the laws of New York of nineteen
42 hundred twenty-one and chapter one hundred fifty-one of the laws of New
43 Jersey of nineteen hundred twenty-one.

44 20. "Port watchman" shall include any watchman, gateman, roundsman,
45 detective, guard, guardian or protector of property employed by the
46 operator of any pier or other waterfront terminal or by a carrier of
47 freight by water to perform services in such capacity on any pier or
48 other waterfront terminal.

49 21. The term "select any longshoreman for employment" in the defi-
50 nition of a hiring agent in this section shall include selection of a
51 person for the commencement or continuation of employment as a long-
52 shoreman, or the denial or termination of employment as a longshoreman.

53 22. "Stevedore" shall mean:

54 (a) a contractor (not including an employee) engaged for compensation
55 pursuant to a contract or arrangement with a carrier of freight by
56 water, in moving waterborne freight carried or consigned for carriage by

1 such carrier on vessels of such carrier berthed at piers, on piers at
2 which such vessels are berthed or at other waterfront terminals; or

3 (b) a contractor engaged for compensation pursuant to a contract or
4 arrangement with the United States, any state or territory thereof, or
5 any department, division, board, commission or authority of one or more
6 of the foregoing, in moving freight carried or consigned for carriage
7 between any point in the port of New York district and a point outside
8 said district on vessels of such a public agency berthed at piers, on
9 piers at which such vessels are berthed or at other waterfront termi-
10 nals; or

11 (c) a contractor (not including an employee) engaged for compensation
12 pursuant to a contract or arrangement with any person to perform labor
13 or services incidental to the movement of waterborne freight on vessels
14 berthed at piers, on piers or at other waterfront terminals, including,
15 but not limited to, cargo storage, cargo repairing, coopering, general
16 maintenance, mechanical and miscellaneous work, horse and cattle
17 fitting, grain ceiling, and marine carpentry; or

18 (d) a contractor (not including an employee) engaged for compensation
19 pursuant to a contract or arrangement with any other person to perform
20 labor or services involving, or incidental to, the movement of freight
21 into or out of containers (which have been or which will be carried by a
22 carrier of freight by water) on vessels berthed at piers, on piers or at
23 other waterfront terminals.

24 23. "Terrorist group" shall mean a group associated, affiliated or
25 funded in whole or in part by a terrorist organization designated by the
26 secretary of state in accordance with section two hundred nineteen of
27 the immigration and nationality act, as amended from time to time, or
28 any other organization which assists, funds or engages in acts of
29 terrorism as defined in the laws of the United States, or of the state
30 of New York, including, but not limited to, subdivision one of section
31 490.05 of the penal law.

32 24. "Waterborne freight" shall mean freight carried by or consigned
33 for carriage by carriers of freight by water, and shall also include
34 freight described in subdivision fifteen and paragraphs (b) and (d) of
35 subdivision twenty-two of this section, and ships' stores, baggage and
36 mail carried by or consigned for carriage by carriers of freight by
37 water.

38 25. "Witness" shall mean any person whose testimony is desired in any
39 investigation, interview or other proceeding conducted by the commission
40 pursuant to the provisions of section five hundred thirty-four of this
41 article.

42 § 534-c. New York waterfront commission established. 1. There is here-
43 by created the New York waterfront commission, which shall be in the
44 executive department of this state and may request, receive, and utilize
45 facilities, resources and data of any department, division, board,
46 bureau, commission, agency or public authority of the state or any poli-
47 tical subdivision thereof as it may reasonably request to carry out
48 properly its powers and duties.

49 2. The commission shall consist of the commissioner appointed by the
50 governor with the advice and consent of the senate, and shall receive
51 compensation to be fixed by the governor of this state. The term of
52 office of such commissioner shall be for three years; provided, however,
53 that a commissioner serving on the bi-state commission at the time of
54 its dissolution on the seventeenth of July two thousand twenty-three who
55 was appointed by the governor of New York to such position, may serve as
56 acting commissioner of the New York waterfront commission until such

1 time as a commissioner is appointed by the governor, with the advice and
2 consent of the senate, pursuant to this subdivision. A commissioner
3 shall hold office until that commissioner's successor has been appointed
4 and qualified. Vacancies in office shall be filled for the balance of
5 the unexpired term in the same manner as original appointments.

6 3. A commissioner may, by written instrument filed in the office of
7 the commission, designate any officer or employee of the commission to
8 act in that commissioner's place. A vacancy in the office of a commis-
9 sioner shall not impair such designation until the vacancy shall have
10 been filled.

11 § 534-d. General powers of the commission. In addition to the powers
12 and duties elsewhere prescribed herein, the commission shall have the
13 power:

14 1. To sue and be sued.

15 2. To have a seal and alter the same at pleasure.

16 3. To acquire, hold and dispose of real and personal property by gift,
17 purchase, lease, license or other similar manner, for its corporate
18 purposes.

19 4. To determine the location, size and suitability of accommodations
20 necessary and desirable for the establishment and maintenance of the
21 employment information centers provided in section five hundred thirty-
22 four-o of this article and for administrative offices for the commis-
23 sion.

24 5. To administer and enforce the provisions of this act.

25 6. To promulgate and enforce such rules and regulations as the commis-
26 sion may deem necessary to effectuate the purposes of this act or to
27 prevent the circumvention or evasion thereof. As used in this act,
28 "regulations" include those rules and regulations of the bi-state
29 commission which shall continue in effect as the rules and regulations
30 of the commission until amended, supplemented, or rescinded by the
31 commission pursuant to the state administrative procedure act. Previ-
32 ously promulgated regulations inconsistent with the provisions of this
33 act shall be deemed void.

34 7. To appoint such officers, agents and employees as it may deem
35 necessary, prescribe their powers, duties and qualifications and fix
36 their compensation and retain and employ counsel and private consultants
37 on a contract basis or otherwise.

38 8. By its commissioner and its properly designated officers, agents
39 and employees, to administer oaths and issue subpoenas to compel the
40 attendance of witnesses and the giving of testimony and the production
41 of other evidence.

42 9. To have for its commissioner and its properly designated officers,
43 agents and employees, full and free access, ingress and egress to and
44 from all vessels, piers and other waterfront terminals or other places
45 in the port of New York district in this state, for the purposes of
46 making inspection or enforcing the provisions of this act; and no person
47 shall obstruct or in any way interfere with any such commissioner, offi-
48 cer, employee or agent in the making of such inspection, or in the
49 enforcement of the provisions of this act or in the performance of any
50 other power or duty under this act.

51 10. To recover possession of any suspended or revoked license issued
52 under this act.

53 11. To make investigations, collect and compile information concerning
54 waterfront practices generally within the port of New York district in
55 this state and upon all matters relating to the accomplishment of the
56 objectives of this act.



1 12. To advise and consult with representatives of labor and industry
2 and with public officials and agencies concerned with the effectuation
3 of the purposes of this act, upon all matters which the commission may
4 desire, including but not limited to the form and substance of rules and
5 regulations, the administration of the act, maintenance of the
6 longshoremen's register, and issuance and revocation of licenses.

7 13. To make annual and other reports to the governor and legislature
8 containing recommendations for the improvement of the conditions of
9 waterfront labor within the port of New York district in this state, for
10 the alleviation of the evils described in section five hundred thirty-
11 four-a of this article and for the effectuation of the purposes of this
12 act.

13 14. To cooperate with and receive from any department, division,
14 bureau, board, commission, or agency of this state, or of any county or
15 municipality thereof, such assistance and data as will enable it proper-
16 ly to carry out its powers and duties hereunder; and to request any such
17 department, division, bureau, board, commission, or agency, with the
18 consent thereof, to execute such of its functions and powers, as the
19 public interest may require.

20 15. To designate officers, employees and agents who may exercise the
21 powers and duties of the commission except the power to make rules and
22 regulations. Notwithstanding any other provision of law, the officers,
23 employees and agents of the commission established by this act may be
24 appointed or employed without regard to their state of residence.

25 16. To issue temporary permits and permit temporary registrations
26 under such terms and conditions as the commission may prescribe which
27 shall be valid for a period to be fixed by the commission not in excess
28 of six months.

29 17. To require any applicant for a license or registration or any
30 prospective licensee to furnish such facts and evidence as the commis-
31 sion may deem appropriate to enable it to ascertain whether the license
32 or registration should be granted.

33 18. In any case in which the commission has the power to revoke or
34 suspend any stevedore license the commission shall also have the power
35 to impose as an alternative to such revocation or suspension, a penalty,
36 which the licensee may elect to pay to the commission in lieu of the
37 revocation or suspension. The maximum penalty shall be five thousand
38 dollars for each separate offense. The commission may, for good cause
39 shown, abate all or part of such penalty.

40 19. To designate any officer, agent or employee of the commission to
41 be an investigator who shall be vested with all the powers of a peace or
42 police officer of the state of New York.

43 20. To confer immunity, in the manner prescribed by subdivision one of
44 section five hundred thirty-four-v of this article.

45 21. To require any applicant for registration as a longshoreman, any
46 applicant for registration as a checker or any applicant for registra-
47 tion as a telecommunications system controller and any person who is
48 sponsored for a license as a pier superintendent or hiring agent, any
49 person who is an individual owner of an applicant stevedore or any
50 persons who are individual partners of an applicant stevedore, or any
51 officers, directors or stockholders owning five percent or more of any
52 of the stock of an applicant corporate stevedore or any applicant for a
53 license as a port watchman or any other category of applicant for regis-
54 tration or licensing within the commission's jurisdiction to be finger-
55 printed by the commission at the cost and expense of the applicant.

1 22. To exchange fingerprint data with and receive state criminal
2 history record information from the division of criminal justice
3 services and federal criminal history record information from the feder-
4 al bureau of investigation for use in making the determinations required
5 by this act.

6 23. Notwithstanding any other provision of law to the contrary, to
7 require any applicant for employment or employee of the commission to be
8 fingerprinted and to exchange fingerprint data with and receive state
9 criminal history record information from the division of criminal
10 justice services and federal criminal history information from the
11 federal bureau of investigation for use in the hiring or retention of
12 such person.

13 24. To cooperate with a similar entity established in the state of New
14 Jersey, to exchange information on any matter pertinent to the purposes
15 of this act, and to enter into reciprocal agreements for the accomplish-
16 ment of such purposes, including but not limited to the following objec-
17 tives:

18 (a) To give reciprocal effect to any revocation, suspension or reprimand
19 with respect to any licensee, and any reprimand or removal from a
20 longshoremen's register;

21 (b) To provide that any act or omission by a licensee or registrant in
22 either state which would be a basis for disciplinary action against such
23 licensee or registrant if it occurred in the state in which the license
24 was issued or the person registered shall be the basis for disciplinary
25 action in both states; and

26 (c) To provide that longshoremen registered in either state, who
27 perform work or who apply for work at an employment information center
28 within the other state, shall be deemed to have performed work or to
29 have applied for work in the state in which they are registered.

30 § 534-e. Designation as agent of the state. 1. The commission is here-
31 by designated on its own behalf or as agent of the state of New York, as
32 provided by the act of Congress of the United States, effective June
33 sixth, one thousand nine hundred and thirty-three, entitled "An act to
34 provide for the establishment of a national employment system and for
35 co-operation with the States in the promotion of such system and for
36 other purposes," as amended, for the purpose of obtaining such benefits
37 of such act of Congress as are necessary or appropriate to the estab-
38 lishment and operation of employment information centers authorized by
39 section one of this act.

40 2. The commission shall have all powers necessary to cooperate with
41 appropriate officers or agencies of this state or the United States, to
42 take such steps, to formulate such plans, and to execute such projects
43 (including but not limited to the establishment and operation of employ-
44 ment information centers) as may be necessary to obtain such benefits
45 for the operations of the commission in accomplishing the purposes of
46 this act.

47 3. Any officer or agency designated by this state pursuant to said act
48 of June sixth, nineteen hundred thirty-three, as amended, is authorized
49 and empowered, upon the request of the commission and subject to its
50 direction, to exercise the powers and duties conferred upon the commis-
51 sion by the provisions of this section.

52 § 534-f. Pier superintendents and hiring agents. 1. No person shall
53 act as a pier superintendent or as a hiring agent within the port of New
54 York district in this state without first having obtained from the
55 commission or previously, from the bi-state commission, a license to act
56 as such pier superintendent or hiring agent, as the case may be, and no

1 person shall employ or engage another person to act as a pier super-
2 intendent or hiring agent who is not so licensed.

3 2. A license to act as a pier superintendent or hiring agent shall be
4 issued only upon the written application, under oath, of the person
5 proposing to employ or engage another person to act as such pier super-
6 intendent or hiring agent, verified by the prospective licensee as to
7 the matters concerning that person, and shall state the following:

8 (a) The full name and business address of the applicant;

9 (b) The full name, residence, business address (if any), place and
10 date of birth and social security number of the prospective licensee;

11 (c) The present and previous occupations of the prospective licensee,
12 including the places where the person was employed and the names of the
13 person's employers;

14 (d) Such further facts and evidence as may be required by the commis-
15 sion to ascertain the character, integrity and identity of the prospec-
16 tive licensee; and

17 (e) That if a license is issued to the prospective licensee, the
18 applicant will employ such licensee as pier superintendent or hiring
19 agent, as the case may be.

20 3. No such license shall be granted:

21 (a) Unless the commission shall be satisfied that the prospective
22 licensee possesses good character and integrity;

23 (b) If the prospective licensee has, without subsequent pardon, been
24 convicted by a court of the United States, or any state or territory
25 thereof, of the commission of, or the attempt or conspiracy to commit,
26 treason, murder, manslaughter or any crime punishable by death or impri-
27 sonment for a term exceeding one year or any of the following misdemea-
28 nors or offenses: illegally using, carrying or possessing a pistol or
29 other dangerous weapon; making or possessing burglar's instruments;
30 buying or receiving stolen property; unlawful entry of a building;
31 aiding an escape from prison; unlawfully possessing, possessing with
32 intent to distribute, sale or distribution of a controlled dangerous
33 substance (controlled substance) or a controlled dangerous substance
34 analog; and violation of this act. Any such prospective licensee ineli-
35 gible for a license by reason of any such conviction may submit satis-
36 factory evidence to the commission that such person has for a period of
37 not less than five years, measured as hereinafter provided, and up to
38 the time of application, so acted in a manner as to warrant the grant of
39 such license, in which event the commission may, in its discretion,
40 issue an order removing such ineligibility. The aforesaid period of five
41 years shall be measured either from the date of payment of any fine
42 imposed upon such person or the suspension of sentence or from the date
43 of the person's unrevoked release from custody by parole, commutation or
44 termination of sentence;

45 (c) If the prospective licensee knowingly or willfully advocates the
46 desirability of overthrowing or destroying the government of the United
47 States by force or violence or shall be a member of a group which advo-
48 cates such desirability, knowing the purposes of such group include such
49 advocacy.

50 4. When the application shall have been examined and such further
51 inquiry and investigation made as the commission shall deem proper and
52 when the commission shall be satisfied therefrom that the prospective
53 licensee possesses the qualifications and requirements prescribed in
54 this section, the commission shall issue and deliver to the prospective
55 licensee a license to act as pier superintendent or hiring agent for the
56 applicant, as the case may be, and shall inform the applicant of this

1 action. The commission may issue a temporary permit to any prospective
2 licensee for a license under the provisions of this article pending
3 final action on an application made for such a license. Any such permit
4 shall be valid for a period not in excess of six months.

5 5. No person shall be licensed to act as a pier superintendent or
6 hiring agent for more than one employer, except at a single pier or
7 other waterfront terminal, but nothing in this section shall be
8 construed to limit in any way the number of pier superintendents or
9 hiring agents any employer may employ.

10 6. A license granted pursuant to this section shall continue through
11 the duration of the licensee's employment by the employer who shall have
12 applied for the person's license.

13 7. Any license issued pursuant to this section may be revoked or
14 suspended for such period as the commission deems in the public interest
15 or the licensee thereunder may be reprimanded for any of the following
16 offenses:

17 (a) Conviction of a crime or act by the licensee or other cause which
18 would require or permit the person's disqualification from receiving a
19 license upon original application;

20 (b) Fraud, deceit or misrepresentation in securing the license, or in
21 the conduct of the licensed activity;

22 (c) Violation of any of the provisions of this act;

23 (d) Unlawfully possessing, possession with intent to distribute, sale
24 or distribution of a controlled dangerous substance (controlled
25 substance) or a controlled dangerous substance analog (controlled
26 substance analog);

27 (e) Employing, hiring or procuring any person in violation of this act
28 or inducing or otherwise aiding or abetting any person to violate the
29 terms of this act;

30 (f) Paying, giving, causing to be paid or given or offering to pay or
31 give to any person any valuable consideration to induce such other
32 person to violate any provision of this act or to induce any public
33 officer, agent or employee to fail to perform the person's duty here-
34 under;

35 (g) Consorting with known criminals for an unlawful purpose;

36 (h) Transfer or surrender of possession of the license to any person
37 either temporarily or permanently without satisfactory explanation;

38 (i) False impersonation of another licensee under this act;

39 (j) Receipt or solicitation of anything of value from any person other
40 than the licensee's employer as consideration for the selection or
41 retention for employment of any longshoreman;

42 (k) Coercion of a longshoreman by threat of discrimination or violence
43 or economic reprisal, to make purchases from or to utilize the services
44 of any person;

45 (l) Lending any money to or borrowing any money from a longshoreman
46 for which there is a charge of interest or other consideration; and

47 (m) Membership in a labor organization which represents longshoremen
48 or port watchmen; but nothing in this section shall be deemed to prohib-
49 it pier superintendents or hiring agents from being represented by a
50 labor organization or organizations which do not also represent long-
51 shoremen or port watchmen. The American Federation of Labor and Congress
52 of Industrial Organizations and any other similar federation, congress
53 or other organization of national or international occupational or
54 industrial labor organizations shall not be considered an organization
55 which represents longshoremen or port watchmen within the meaning of

1 this section although one of the federated or constituent labor organ-
2 izations thereof may represent longshoremen or port watchmen.

3 8. Any applicant for pier superintendent or hiring agent ineligible
4 for a license by reason of the provisions of paragraph (b) of subdivi-
5 sion three of section five hundred thirty-four-f of this article may
6 petition for and the commission may issue an order removing the ineligi-
7 bility. A petition for an order to remove ineligibility may be made to
8 the commission before or after the hearing required by section five
9 hundred thirty-four-n of this article.

10 § 534-g. Stevedores. 1. No person shall act as a stevedore within the
11 port of New York district in this state without having first obtained a
12 license from the commission or previously, from the bi-state commission,
13 and no person shall employ a stevedore to perform services as such with-
14 in the port of New York district in this state unless the stevedore is
15 so licensed.

16 2. Any person intending to act as a stevedore within the port of New
17 York district in this state shall file in the office of the commission a
18 written application for a license to engage in such occupation, duly
19 signed and verified as follows:

20 (a) If the applicant is a natural person, the application shall be
21 signed and verified by such person and if the applicant is a partner-
22 ship, the application shall be signed and verified by each natural
23 person composing or intending to compose such partnership. The applica-
24 tion shall state the full name, age, residence, business address, if
25 any, present and previous occupations of each natural person so signing
26 the same, and any other facts and evidence as may be required by the
27 commission to ascertain the character, integrity and identity of each
28 natural person so signing such application.

29 (b) If the applicant is a corporation, the application shall be signed
30 and verified by the president, secretary and treasurer thereof, and
31 shall specify the name of the corporation, the date and place of its
32 incorporation, the location of its principal place of business, the
33 names and addresses of, and the amount of the stock held by stockholders
34 owning five percent or more of any of the stock thereof, and of all
35 officers, including all members of the board of directors. The require-
36 ments of paragraph (a) of this subdivision as to a natural person who is
37 a member of a partnership, and such requirements as may be specified in
38 rules and regulations promulgated by the commission, shall apply to each
39 such officer or stockholder and their successors in office or interest.

40 (c) In the event of the death, resignation or removal of any officer,
41 and in the event of any change in the list of stockholders who shall own
42 five percent or more of the stock of the corporation, the secretary of
43 such corporation shall forthwith give notice of that fact in writing to
44 the commission certified by said secretary.

45 3. No such license shall be granted:

46 (a) If any person whose signature or name appears in the application
47 is not the real party in interest required by subdivision two of this
48 section to sign or to be identified in the application or if the person
49 so signing or named in the application is an undisclosed agent or trus-
50 tee for any such real party in interest;

51 (b) Unless the commission shall be satisfied that the applicant and
52 all members, officers and stockholders required by subdivision two of
53 this section to sign or be identified in the application for license
54 possess good character and integrity;

55 (c) Unless the applicant is either a natural person, partnership or
56 corporation;

1 (d) Unless the applicant shall be a party to a contract then in force
2 or which will take effect upon the issuance of a license, with a carrier
3 of freight by water for the loading and unloading by the applicant of
4 one or more vessels of such carrier at a pier within the port of New
5 York district in this state;

6 (e) If the applicant or any member, officer or stockholder required by
7 subdivision two of this section to sign or be identified in the applica-
8 tion for license has, without subsequent pardon, been convicted by a
9 court of the United States or any state or territory thereof of the
10 commission of, or the attempt or conspiracy to commit, treason, murder,
11 manslaughter or any crime punishable by death or imprisonment for a term
12 exceeding one year or any of the misdemeanors or offenses described in
13 paragraph (b) of subdivision three of section five hundred thirty-four-f
14 of this article. Any applicant ineligible for a license by reason of
15 any such conviction may submit satisfactory evidence to the commission
16 that the person whose conviction was the basis of ineligibility has for
17 a period of not less than five years, measured as hereinafter provided
18 and up to the time of application, so acted in a manner as to warrant
19 the grant of such license, in which event the commission may, in its
20 discretion issue an order removing such ineligibility. The aforesaid
21 period of five years shall be measured either from the date of payment
22 of any fine imposed upon such person or the suspension of sentence or
23 from the date of the person's unrevoked release from custody by parole,
24 commutation or termination of the person's sentence;

25 (f) If the applicant has paid, given, caused to have been paid or
26 given or offered to pay or give to any officer or employee of any carri-
27 er of freight by water any valuable consideration for an improper or
28 unlawful purpose or to induce such person to procure the employment of
29 the applicant by such carrier for the performance of stevedoring
30 services;

31 (g) If the applicant has paid, given, caused to be paid or given or
32 offered to pay or give to any officer or representative of a labor
33 organization any valuable consideration for an improper or unlawful
34 purpose or to induce such officer or representative to subordinate the
35 interests of such labor organization or its members in the management of
36 the affairs of such labor organization to the interests of the appli-
37 cant.

38 (h) If the applicant has paid, given, caused to have been paid or
39 given or offered to pay or give to any agent of any carrier of freight
40 by water any valuable consideration for an improper or unlawful purpose
41 or, without the knowledge and consent of such carrier, to induce such
42 agent to procure the employment of the applicant by such carrier or its
43 agent for the performance of stevedoring services.

44 4. When the application shall have been examined and such further
45 inquiry and investigation made as the commission shall deem proper and
46 when the commission shall be satisfied therefrom that the applicant
47 possesses the qualifications and requirements prescribed in this
48 section, the commission shall issue and deliver a license to such appli-
49 cant. The commission may issue a temporary permit to any applicant for
50 a license under the provisions of this section pending final action on
51 an application made for such a license. Any such permit shall be valid
52 for a period not in excess of six months.

53 5. A stevedore's license granted pursuant to this section shall be for
54 a term of five years or fraction of such five year period, and shall
55 expire on the first day of December. In the event of the death of the
56 licensee, if a natural person, or its termination or dissolution by

1 reason of a death of a partner, if a partnership, or if the licensee
2 shall cease to be a party to any contract of the type required by para-
3 graph (d) of subdivision three of this section, the license shall termi-
4 nate ninety days after such event or upon its expiration date, whichever
5 shall be sooner. A license may be renewed by the commission for succes-
6 sive five year periods upon fulfilling the same requirements as are set
7 forth in this section for an original application for a stevedore's
8 license.

9 6. Any license issued pursuant to this section may be revoked or
10 suspended for such period as the commission deems in the public interest
11 or the licensee thereunder may be reprimanded for any of the following
12 offenses on the part of the licensee or of any person required by subdi-
13 vision two of this section to sign or be identified in an original
14 application for a license:

15 (a) Conviction of a crime or other cause which would permit or require
16 disqualification of the licensee from receiving a license upon original
17 application;

18 (b) Fraud, deceit or misrepresentation in securing the license or in
19 the conduct of the licensed activity;

20 (c) Failure by the licensee to maintain a complete set of books and
21 records containing a true and accurate account of the licensee's
22 receipts and disbursements arising out of the licensee's activities
23 within the port of New York district in this state;

24 (d) Failure to keep said books and records available during business
25 hours for inspection by the commission and its duly designated represen-
26 tatives until the expiration of the fifth calendar year following the
27 calendar year during which occurred the transactions recorded therein;

28 (e) Any other offense described in paragraphs (c), (d), (e), (f), (g),
29 (h) and (i) of subdivision seven of section five hundred thirty-four-f
30 of this article.

31 § 534-h. Prohibition of public loading. 1. It is unlawful for any
32 person to load or unload waterborne freight onto or from vehicles other
33 than railroad cars at piers or at other waterfront terminals within the
34 port of New York district in this state, for a fee or other compen-
35 sation, other than the following persons and their employees:

36 (a) Carriers of freight by water, but only at piers at which their
37 vessels are berthed;

38 (b) Other carriers of freight (including but not limited to railroads
39 and truckers), but only in connection with freight transported or to be
40 transported by such carriers;

41 (c) Operators of piers or other waterfront terminals (including rail-
42 roads, truck terminal operators, warehousemen and other persons), but
43 only at piers or other waterfront terminals operated by them;

44 (d) Shippers or consignees of freight, but only in connection with
45 freight shipped by such shipper or consigned to such consignee;

46 (e) Stevedores licensed under section five hundred thirty-four-g of
47 this article, whether or not such waterborne freight has been or is to
48 be transported by a carrier of freight by water with which such steve-
49 dore shall have a contract of the type prescribed by paragraph (d) of
50 subdivision three of section five hundred thirty-four-g of this article.

51 2. Nothing in this section contained shall be deemed to permit any
52 such loading or unloading of any waterborne freight at any place by any
53 such person by means of any independent contractor, or any other agent
54 other than an employee, unless such independent contractor is a person
55 permitted by this section to load or unload such freight at such place
56 in the person's own right.

1 § 534-i. Longshoremen's register. 1. The commission shall maintain a
2 longshoremen's register in which shall be included all qualified long-
3 shoremen eligible, as provided, for employment as such in the port of
4 New York district in this state. No person shall act as a longshoreman
5 within the port of New York district in this state unless at the time
6 such person is included in the longshoremen's register, and no person
7 shall employ another to work as a longshoreman within the port of New
8 York district in this state unless at the time such other person is
9 included in the longshoremen's register.

10 2. Any person applying for inclusion in the longshoremen's register
11 shall file at such place and in such manner as the commission shall
12 designate a written statement, signed and verified by such person,
13 setting forth the person's full name, residence address, social securi-
14 ty number, and such further facts and evidence as the commission may
15 prescribe to establish the identity of such person and the person's
16 criminal record, if any.

17 3. The commission may in its discretion deny application for inclusion
18 in the longshoremen's register by a person:

19 (a) Who has been convicted by a court of the United States or any
20 state or territory thereof, without subsequent pardon, of treason,
21 murder, manslaughter or of any crime punishable by death or imprisonment
22 for a term exceeding one year or of any of the misdemeanors or offenses
23 described in paragraph (b) of subdivision three of section five hundred
24 thirty-four-f of this article or of attempt or conspiracy to commit any
25 of such crimes;

26 (b) Who knowingly or willingly advocates the desirability of over-
27 throwing or destroying the government of the United States by force or
28 violence or who shall be a member of a group which advocates such desir-
29 ability knowing the purposes of such group include such advocacy;

30 (c) Whose presence at the piers or other waterfront terminals in the
31 port of New York district in this state is found by the commission on
32 the basis of the facts and evidence before it, to constitute a danger to
33 the public peace or safety.

34 4. Unless the commission shall determine to exclude the applicant from
35 the longshoremen's register on a ground set forth in subdivision three
36 of this section it shall include such person in the longshoremen's
37 register. The commission may permit temporary registration of any
38 applicant under the provisions of this section pending final action on
39 an application made for such registration. Any such temporary registra-
40 tion shall be valid for a period not in excess of six months.

41 5. The commission shall have power to reprimand any longshoreman
42 registered under this section or to remove that person from the
43 longshoremen's register for such period as it deems in the public inter-
44 est for any of any following offenses:

45 (a) Conviction of a crime or other cause which would permit disquali-
46 fication of such person from inclusion in the longshoremen's register
47 upon original application;

48 (b) Fraud, deceit or misrepresentation in securing inclusion in the
49 longshoremen's register;

50 (c) Transfer or surrender of possession to any person either temporar-
51 ily or permanently of any card or other means of identification issued
52 by the commission as evidence of inclusion in the longshoremen's regis-
53 ter, without satisfactory explanation;

54 (d) False impersonation of another longshoreman registered under this
55 section or of another person licensed under this act;

1 (e) Willful commission of or willful attempt to commit at or on a
2 waterfront terminal or adjacent highway any act of physical injury to
3 any other person or of willful damage to or misappropriation of any
4 other person's property, unless justified or excused by law; and

5 (f) Any other offense described in paragraphs (c), (d), (e), and (f)
6 of subdivision seven of section five hundred thirty-four-f of this arti-
7 cle.

8 6. Whenever, as a result of legislative amendments to this act or of a
9 ruling by the commission, registration as a longshoreman is required for
10 any person to continue in his employment, such person shall be regis-
11 tered as a longshoreman without regard to the provisions of section five
12 hundred thirty-four-k of this article, provided, however, that such
13 person satisfies all the other requirements of this act for registration
14 as a longshoreman.

15 7. The commission shall have the right to recover possession of any
16 card or other means of identification issued as evidence of inclusion in
17 the longshoremen's register if the holder thereof has been removed from
18 the longshoremen's register.

19 8. Nothing contained in this article shall be construed to limit in
20 any way any rights of labor reserved by section five hundred thirty-
21 four-q of this article.

22 § 534-j. List of qualified longshoremen for employment as checkers. 1.
23 The commission shall maintain within the longshoremen's register a list
24 of all qualified longshoremen eligible, as provided in this section, for
25 employment as checkers in the port of New York district in this state.
26 No person shall act as a checker within the port of New York district in
27 this state unless at the time such person is included in the
28 longshoremen's register as a checker, and no person shall employ another
29 to work as a checker within the port of New York district in this state
30 unless at the time such other person is included in the longshoremen's
31 register as a checker.

32 2. Any person applying for inclusion in the longshoremen's register as
33 a checker shall file at any such place and in such manner as the commis-
34 sion shall designate a written statement, signed and verified by such
35 person, setting forth the following:

36 (a) The full name, residence, place and date of birth and social secu-
37 rity number of the applicant;

38 (b) The present and previous occupations of the applicant, including
39 the places where such person was employed and the names of that person's
40 employers;

41 (c) Such further facts and evidence as may be required by the commis-
42 sion to ascertain the character, integrity and identity of the appli-
43 cant.

44 3. No person shall be included in the longshoremen's register as a
45 checker:

46 (a) Unless the commission shall be satisfied that the applicant
47 possesses good character and integrity;

48 (b) If the applicant has, without subsequent pardon, been convicted
49 by a court of the United States or any state or territory thereof, of
50 the commission of, or the attempt or conspiracy to commit, treason,
51 murder, manslaughter or any crime punishable by death or imprisonment
52 for a term exceeding one year or any of the following misdemeanors or
53 offenses: illegally using, carrying or possessing a pistol or another
54 dangerous weapon; making or possessing burglar's instruments; buying or
55 receiving stolen property; unlawful entry of a building; aiding an
56 escape from prison; unlawfully possessing, possessing with intent to



1 distribute, sale or distribution of a controlled dangerous substance
2 (controlled substance) or a controlled dangerous substance analog
3 (controlled substance analog); petty larceny, where the evidence shows
4 the property was stolen from a vessel, pier or other waterfront termi-
5 nal; and violation of the act. Any such applicant ineligible for inclu-
6 sion in the longshoremen's register as a checker by reason of any such
7 conviction may submit satisfactory evidence to the commission that the
8 person has for a period of not less than five years, measured as
9 provided in this section, and up to the time of application, so acted
10 in a manner as to warrant inclusion in the longshoremen's register as a
11 checker, in which event the commission may, in its discretion, issue an
12 order removing such ineligibility. The aforesaid period of five years
13 shall be measured either from the date of payment of any fine imposed
14 upon such person or the suspension of sentence or from the date of such
15 person's unrevoked release from custody by parole, commutation or
16 termination of such person's sentence;

17 (c) If the applicant knowingly or willfully advocates the desirability
18 of overthrowing or destroying the government of the United States by
19 force or violence or shall be a member of a group which advocates such
20 desirability, knowing the purposes of such group include such advocacy.

21 4. When the application shall have been examined and such further
22 inquiry and investigation made as the commission shall deem proper and
23 when the commission shall be satisfied therefrom that the applicant
24 possesses the qualifications and requirements prescribed by this
25 section, the commission shall include the applicant in the
26 longshoremen's register as a checker. The commission may permit tempo-
27 rary registration as a checker to any applicant under this section pend-
28 ing final action on an application made for such registration, under
29 such terms and conditions as the commission may prescribe, which shall
30 be valid for a period to be fixed by the commission, not in excess of
31 six months.

32 5. The commission shall have power to reprimand any checker registered
33 under this section or to remove such person from the longshoremen's
34 register as a checker for such period of time as it deems in the public
35 interest for any of the following offenses:

36 (a) Conviction of a crime or other cause which would permit disquali-
37 fication of such person from inclusion in the longshoremen's register as
38 a checker upon original application;

39 (b) Fraud, deceit or misrepresentation in securing inclusion in the
40 longshoremen's register as a checker or in the conduct of the registered
41 activity;

42 (c) Violation of any of the provisions of this act;

43 (d) Unlawfully possessing, possession with intent to distribute, sale
44 or distribution of a controlled dangerous substance (controlled
45 substance), or a controlled dangerous substance analog (controlled
46 substance analog);

47 (e) Inducing or otherwise aiding or abetting any person to violate the
48 terms of this act;

49 (f) Paying, giving, causing to be paid or given or offering to pay or
50 give to any person any valuable consideration to induce such other
51 person to violate any provision of this act or to induce any public
52 officer, agent or employee to fail to perform the person's duty under
53 this act;

54 (g) Consorting with known criminals for an unlawful purpose;

55 (h) Transfer or surrender of possession to any person either temporar-
56 ily or permanently of any card or other means of identification issued

1 by the commission as evidence of inclusion in the longshoremen's regis-
2 ter without satisfactory explanation;

3 (i) False impersonation of another longshoreman or of another person
4 licensed under this act.

5 6. The commission shall have the right to recover possession of any
6 card or other means of identification issued as evidence of inclusion in
7 the longshoremen's register as a checker in the event that the holder
8 thereof has been removed from the longshoremen's register as a checker.

9 7. Any applicant ineligible for inclusion in the longshoremen's regis-
10 ter as a checker by reason of the provisions of paragraph (b) of subdi-
11 vision three of this section may petition for and the commission may
12 issue an order removing the ineligibility. A petition for an order to
13 remove ineligibility may be made to the commission before or after the
14 hearing required by section five hundred thirty-four-n of this article.

15 8. Nothing contained in this section shall be construed to limit in
16 any way any rights of labor reserved by section five hundred thirty-
17 four-q of this article.

18 § 534-k. Regularization of longshoremen's employment. 1. The commis-
19 sion shall, at regular intervals, remove from the longshoremen's regis-
20 ter any person who shall have been registered for at least nine months
21 and who shall have failed during the preceding six calendar months
22 either to have worked as a longshoreman in the port of New York district
23 or to have applied for employment as a longshoreman at an employment
24 information center in the port of New York district for such minimum
25 number of days as shall have been established by the commission pursuant
26 to subdivision two of this section.

27 2. On or before each succeeding first day of June or December, the
28 commission shall, for the purposes of subdivision one of this section,
29 establish for the six-month period beginning on each such date a minimum
30 number of days and the distribution of such days during such period.

31 3. In establishing any such minimum number of days or period, the
32 commission shall observe the following standards:

33 (a) To encourage as far as practicable the regularization of the
34 employment of longshoremen;

35 (b) To bring the number of eligible longshoremen more closely into
36 balance with the demand for longshoremen's services within the port of
37 New York district in this state without reducing the number of eligible
38 longshoremen below that necessary to meet the requirements of longshore-
39 men in the port of New York district in this state;

40 (c) To eliminate oppressive and evil hiring practices affecting long-
41 shoremen and waterborne commerce in the port of New York district in
42 this state; and

43 (d) To eliminate unlawful practices injurious to waterfront labor.

44 4. A longshoreman who has been removed from the longshoremen's regis-
45 ter pursuant to this section may seek reinstatement upon fulfilling the
46 same requirements as for initial inclusion in the longshoremen's regis-
47 ter, but not before the expiration of one year from the date of removal,
48 except that immediate reinstatement shall be made upon proper showing
49 that the registrant's failure to work or apply for work the minimum
50 number of days above described was caused by the fact that the regis-
51 trant was engaged in the military service of the United States or was
52 incapacitated by ill health, physical injury, or other good cause.

53 5. Notwithstanding any other provision of this article, the commission
54 shall at any time have the power to register longshoremen on a temporary
55 basis to meet special or emergency needs.

1 6. Notwithstanding any other provisions of this section, the commis-
2 sion shall have the power to remove from the longshoremen's register any
3 person (including those persons registered as longshoremen for less than
4 nine months) who shall have failed to have worked as a longshoreman in
5 the port of New York district for such minimum number of days during a
6 period of time as shall have been established by the commission. In
7 administering this section, the commission, in its discretion, may count
8 applications for employment as a longshoreman at an employment informa-
9 tion center established under section five hundred thirty-four-o of this
10 article as constituting actual work as a longshoreman, provided, howev-
11 er, that the commission shall count as actual work the compensation
12 received by any longshoreman pursuant to the guaranteed wage provisions
13 of any collective bargaining agreement relating to longshoremen. Prior
14 to the commencement of any period of time established by the commission
15 pursuant to this section, the commission shall establish for such period
16 the minimum number of days of work required and the distribution of such
17 days during such period and shall also determine whether or not applica-
18 tion for employment as a longshoreman shall be counted as constituting
19 actual work as a longshoreman. The commission may classify longshoremen
20 according to length of service as a longshoreman and such other criteria
21 as may be reasonable and necessary to carry out the provisions of this
22 act. The commission shall have the power to vary the requirements of
23 this section with respect to their application to the various classi-
24 fications of longshoremen. In administering this section, the commission
25 shall observe the standards set forth in section five hundred thirty-
26 four-l of this article. Nothing in this section shall be construed to
27 modify, limit or restrict in any way any of the rights protected by
28 section five hundred thirty-four-q of this article.

29 § 534-1. Suspension or acceptance of applications for inclusion in the
30 longshoremen's register; exceptions. 1. The commission shall suspend the
31 acceptance of applications for inclusion in the longshoremen's register
32 upon the effective date of the act. The commission shall thereafter have
33 the power to make determinations to suspend the acceptance of applica-
34 tions for inclusion in the longshoremen's register for such periods of
35 time as the commission may from time to time establish and, after any
36 such period of suspension, the commission shall have the power to make
37 determinations to accept applications for such period of time as the
38 commission may establish or in such number as the commission may deter-
39 mine, or both. Such determinations to suspend or accept applications
40 shall be made by the commission: (a) on its own initiative; or (b) upon
41 the joint recommendation in writing of stevedores and other employers of
42 longshoremen in the port of New York district in this state, acting
43 through their representative for the purpose of collective bargaining
44 with a labor organization representing such longshoremen in such
45 district and such labor organization; or (c) upon the petition in writ-
46 ing of a stevedore or another employer of longshoremen in the port of
47 New York district in this state which does not have a representative for
48 the purpose of collective bargaining with a labor organization repres-
49 enting such longshoremen. The commission shall have the power to accept
50 or reject such joint recommendation or petition. All joint recommenda-
51 tions or petitions filed for the acceptance of applications with the
52 commission for inclusion in the longshoremen's register shall include:

53 (i) the number of employees requested;

54 (ii) the category or categories of employees requested;

55 (iii) a detailed statement setting forth the reasons for such joint
56 recommendation or petition;



1 (iv) in cases where a joint recommendation is made under this section,
2 the collective bargaining representative of stevedores and other employ-
3 ers of longshoremen in the port of New York district in this state and
4 the labor organization representing such longshoremen shall provide the
5 allocation of the number of persons to be sponsored by each employer of
6 longshoremen in the port of New York district in this state; and

7 (v) any other information requested by the commission.

8 2. In administering the provisions of this section, the commission
9 shall observe the following standards:

10 (a) To encourage as far as practicable the regularization of the
11 employment of longshoremen;

12 (b) To bring the number of eligible longshoremen into balance with the
13 demand for longshoremen's services within the port of New York district
14 in this state without reducing the number of eligible longshoremen below
15 that necessary to meet the requirements of longshoremen in the port of
16 New York district in this state;

17 (c) To encourage the mobility and full utilization of the existing
18 work force of longshoremen;

19 (d) To protect the job security of the existing work force of long-
20 shoremen by considering the wages and employment benefits of prospective
21 registrants;

22 (e) To eliminate oppressive and evil hiring practices injurious to
23 waterfront labor and waterborne commerce in the port of New York
24 district in this state, including, but not limited to, those oppressive
25 and evil hiring practices that may result from either a surplus or shor-
26 tage of waterfront labor;

27 (f) To consider the effect of technological change and automation and
28 such other economic data and facts as are relevant to a proper determi-
29 nation; and

30 (g) To protect the public interest of the port of New York district in
31 this state.

32 3. (a) In observing the foregoing standards and before determining to
33 suspend or accept applications for inclusion in the longshoremen's
34 register, the commission shall consult with and consider the views of,
35 including any statistical data or other factual information concerning
36 the size of the longshoremen's register submitted by, carriers of
37 freight by water, stevedores, waterfront terminal owners and operators,
38 any labor organization representing employees registered by the commis-
39 sion, and any other person whose interests may be affected by the size
40 of the longshoremen's register.

41 (b) Any joint recommendation or petition granted hereunder shall be
42 subject to such terms and conditions as the commission may prescribe.

43 4. Any determination by the commission pursuant to this section to
44 suspend or accept applications for inclusion in the longshoremen's
45 register shall be made upon a record, shall not become effective until
46 five days after notice thereof to the collective bargaining represen-
47 tative of stevedores and other employers of longshoremen in the port of
48 New York district in this state and to the labor organization represent-
49 ing such longshoremen and/or the petitioning stevedore or other employer
50 of longshoremen in the port of New York district in this state and shall
51 be subject to judicial review for being arbitrary, capricious, and an
52 abuse of discretion in a proceeding jointly instituted by such represen-
53 tative and such labor organization and/or by the petitioning stevedore
54 or other employer of longshoremen in the port of New York district in
55 this state. Such judicial review proceeding may be instituted in the
56 manner provided by the law of this state for review of the final deci-

1 sion or action of administrative agencies of this state, provided,
2 however, that such proceeding shall be decided directly by the appellate
3 division as the court of first instance (to which the proceeding shall
4 be transferred by order of transfer by the supreme court in the state of
5 New York by notice of appeal from the commission's determination) and
6 provided further that notwithstanding any other provision of law in this
7 state no court shall have power to stay the commission's determination
8 prior to final judicial decision for more than fifteen days. In the
9 event that the court enters a final order setting aside the determi-
10 nation by the commission to accept applications for inclusion in the
11 longshoremen's register, the registration of any longshoremen included
12 in the longshoremen's register as a result of such determination by the
13 commission shall be cancelled.

14 5. This section shall apply, notwithstanding any other provision of
15 this act, provided however, such section shall not in any way limit or
16 restrict the provisions of this subdivision empowering the commission to
17 register longshoremen on a temporary basis to meet special or emergency
18 needs or the provisions of subdivision four of section five hundred
19 thirty-four-k of this article relating to the immediate reinstatement of
20 persons removed from the longshoremen's register pursuant to this
21 section.

22 6. Upon the granting of any joint recommendation or petition under
23 this section for the acceptance of applications for inclusion in the
24 longshoremen's register, the commission shall accept applications upon
25 written sponsorship from the prospective employer of longshoremen. The
26 sponsoring employer shall furnish the commission with the name, address
27 and such other identifying or category information as the commission may
28 prescribe for any person so sponsored. The sponsoring employer shall
29 certify that the selection of the persons so sponsored was made in a
30 fair and non-discriminatory basis in accordance with the requirements of
31 the laws of the United States and the state of New York dealing with
32 equal employment opportunities. Notwithstanding any of the foregoing,
33 where the commission determines to accept applications for inclusion in
34 the longshoremen's register on its own initiative, such acceptance shall
35 be accomplished in such manner deemed appropriate by the commission.

36 7. Notwithstanding any other provision of this article, the commission
37 may include in the longshoremen's register under such terms and condi-
38 tions as the commission may prescribe:

39 (a) a person issued registration on a temporary basis to meet special
40 or emergency needs who is still so registered by the commission; and

41 (b) a person defined as a longshoreman in subparagraph four of para-
42 graph (a), or paragraph (b) of subdivision twelve of section five
43 hundred thirty-four-b of this article who is employed by a stevedore
44 defined in paragraph (c) or (d) of subdivision twenty-two of section
45 five hundred thirty-four-b of this article and whose employment is not
46 subject to the guaranteed annual income provisions of any collective
47 bargaining agreement relating to longshoremen.

48 8. The commission may include in the longshoremen's register, under
49 such terms and conditions as the commission may prescribe, persons
50 issued registration on a temporary basis as a longshoreman or a checker
51 to meet special or emergency needs and who are still so registered by
52 the commission upon the enactment of this act.

53 9. Nothing in this section shall be construed to modify, limit or
54 restrict in any way any of the rights protected by section five hundred
55 thirty-four-g of this article.

1 § 534-m. Port watchmen. 1. No person shall act as a port watchman
2 within the port of New York district in this state without first having
3 obtained a license from the commission or previously, from the bi-state
4 commission, and no person shall employ a port watchman who is not so
5 licensed.

6 2. A license to act as a port watchman shall be issued only upon writ-
7 ten application, duly verified, which shall state the following:

8 (a) The full name, residence, business address (if any), place and
9 date of birth and social security number of the applicant;

10 (b) The present and previous occupations of the applicant, including
11 the places where the person was employed and the names of the person's
12 employers;

13 (c) The citizenship of the applicant and, if the person is a natural-
14 ized citizen of the United States, the court and date of naturalization;
15 and

16 (d) Such further facts and evidence as may be required by the commis-
17 sion to ascertain the character, integrity and identity of the appli-
18 cant.

19 3. No such license shall be granted:

20 (a) Unless the commission shall be satisfied that the applicant
21 possesses good character and integrity;

22 (b) If the applicant has, without subsequent pardon, been convicted by
23 a court of the United States or of any state or territory thereof of the
24 commission of, or the attempt or conspiracy to commit, treason, murder,
25 manslaughter or any crime punishable by death or imprisonment for a term
26 exceeding one year or any of the misdemeanors or offenses described in
27 paragraph (b) of subdivision three of section five hundred thirty-four-f
28 of this article;

29 (c) Unless the applicant shall meet such reasonable standards of phys-
30 ical and mental fitness for the discharge of a port watchmen's duties as
31 may from time to time be established by the commission;

32 (d) If the applicant shall be a member of any labor organization which
33 represents longshoremen or pier superintendents or hiring agents; but
34 nothing in this section shall be deemed to prohibit port watchmen from
35 being represented by a labor organization or organizations which do not
36 also represent longshoremen or pier superintendents or hiring agents.
37 The American Federation of Labor and Congress of Industrial Organiza-
38 tions and any other similar federation, congress or other organization
39 of national or international occupational or industrial labor organiza-
40 tions shall not be considered an organization which represents long-
41 shoremen or pier superintendents or hiring agents within the meaning of
42 this section although one of the federated or constituent labor organ-
43 izations thereof may represent longshoremen or pier superintendents or
44 hiring agents;

45 (e) If the applicant knowingly or willfully advocates the desirability
46 of overthrowing or destroying the government of the United States by
47 force or violence or shall be a member of a group which advocates such
48 desirability, knowing the purposes of such group include such advocacy.

49 4. When the application shall have been examined and such further
50 inquiry and investigation made as the commission shall deem proper and
51 when the commission shall be satisfied therefrom that the applicant
52 possesses the qualifications and requirements prescribed by this section
53 and regulations issued pursuant thereto, the commission shall issue and
54 deliver a license to the applicant. The commission may issue a temporary
55 permit to any applicant for a license under the provisions of this

1 section pending final action on an application made for such a license.
2 Any such permit shall be valid for a period not in excess of six months.

3 5. A license granted pursuant to this section shall continue for a
4 term of three years. A license may be renewed by the commission for
5 successive three-year periods upon fulfilling the same requirements as
6 set forth in this section for an original application.

7 6. Notwithstanding any provision set forth in this section, a license
8 to act as a port watchman shall continue and need not be renewed,
9 provided the licensee shall, as required by the commission:

10 (a) Submit to a medical examination and meet the physical and mental
11 fitness standards established by the commission pursuant to paragraph
12 (c) of subdivision three of this section;

13 (b) Complete a refresher course of training; and

14 (c) Submit supplementary personal history information.

15 7. Any license issued pursuant to this section may be revoked or
16 suspended for such period as the commission deems in the public interest
17 or the licensee thereunder may be reprimanded for any of the following
18 offenses:

19 (a) Conviction of a crime or other cause which would permit or require
20 the person's disqualification from receiving a license upon original
21 application;

22 (b) Fraud, deceit or misrepresentation in securing the license; and

23 (c) Any other offense described in paragraphs (c), (d), (e), (f), (g),
24 (h), and (i) of subdivision seven of section five hundred thirty-four-f
25 of this article.

26 8. The commission shall, at regular intervals, cancel the license or
27 temporary permit of a port watchman who shall have failed during the
28 preceding twelve months to have worked as a port watchman in the port of
29 New York district a minimum number of hours as shall have been estab-
30 lished by the commission, except that immediate restoration of such
31 license or temporary permit shall be made upon proper showing that the
32 failure to so work was caused by the fact that the licensee or permittee
33 was engaged in the military service of the United States or was incapac-
34 itated by ill health, physical injury or other good cause.

35 9. Any applicant for port watchman ineligible for a license by reason
36 of the provisions of paragraph (b) of subdivision three of this section
37 may petition for and the commission may issue an order removing the
38 ineligibility. A petition for an order to remove ineligibility may be
39 made to the commission before or after the hearing required by section
40 five hundred thirty-four-n of this article.

41 § 534-n. Hearings, determinations and review. 1. The commission shall
42 not deny any application for a license or registration without giving
43 the applicant or prospective licensee reasonable prior notice and an
44 opportunity to be heard by the commission.

45 2. Any application for a license or for inclusion in the
46 longshoremen's register, and any license issued or registration made,
47 may be denied, revoked, or suspended only in the manner prescribed in
48 this section.

49 3. The commission may on its own initiative or on complaint of any
50 person, including any public official or agency, institute proceedings
51 to revoke or suspend any license or registration after a hearing at
52 which the licensee or registrant and any person making such complaint
53 shall be given an opportunity to be heard, provided that any order of
54 the commission revoking or suspending any license or registration shall
55 not become effective until fifteen days subsequent to the serving of
56 notice thereof upon the licensee or registrant unless in the opinion of

1 the commission the continuance of the license or registration for such
2 period would be inimical to the public peace or safety. Such hearings
3 shall be held in such manner and upon such notice as may be prescribed
4 by the rules of the commission, but such notice shall be of not less
5 than ten days and shall state the nature of the complaint.

6 4. Pending the determination of such hearing pursuant to subdivision
7 three of this section, the commission may temporarily suspend a permit,
8 license or registration until further order of the commission if in the
9 opinion of the commission the continuance of the permit, license or
10 registration for such period is inimical to the public peace or safety.

11 (a) The commission may temporarily suspend a permit, license or regis-
12 tration pursuant to the provisions of this subdivision until further
13 order of the commission or final disposition of the underlying case,
14 only where the permittee, licensee or registrant has been indicted for,
15 or otherwise charged with, a crime which is equivalent to a felony in
16 the state of New York or any crime punishable by death or imprisonment
17 for a term exceeding one year or only where the permittee or licensee is
18 a port watchman who is charged by the commission pursuant to this
19 section with misappropriating any other person's property at or on a
20 pier or other waterfront terminal.

21 (b) In the case of a permittee, licensee or registrant who has been
22 indicted for, or otherwise charged with, a crime, the temporary suspen-
23 sion shall terminate immediately upon acquittal or upon dismissal of the
24 criminal charge, unless in the opinion of the commission the continuance
25 of any such permit, license or registration is inimical to the public
26 peace or safety.

27 (c) A person whose permit, license or registration has been temporar-
28 ily suspended may, at any time, demand that the commission conduct a
29 hearing as provided for in this section. Within sixty days of such
30 demand, the commission shall commence the hearing and, within thirty
31 days of receipt of the administrative judge's report and recommendation,
32 the commission shall render a final determination thereon; provided,
33 however, that these time requirements, shall not apply for any period of
34 delay caused or requested by the permittee, licensee or registrant. Upon
35 failure of the commission to commence a hearing or render a determi-
36 nation within the time limits prescribed herein, the temporary suspen-
37 sion of the licensee or registrant shall immediately terminate. Notwith-
38 standing any other provision of this subdivision, if a federal, state,
39 or local law enforcement agency or prosecutor's office shall request the
40 suspension or deferment of any hearing on the ground that such a hearing
41 would obstruct or prejudice an investigation or prosecution, the commis-
42 sion may in its discretion, postpone or defer such hearing for a time
43 certain or indefinitely. Any action by the commission to postpone a
44 hearing shall be subject to immediate judicial review as provided in
45 subdivision seven of this section.

46 (d) The commission may in addition, within its discretion, bar any
47 permittee, licensee or registrant whose license or registration has been
48 suspended pursuant to this section, from any employment by a licensed
49 stevedore or a carrier of freight by water during the period of such
50 suspension, if the alleged crime that forms the basis of such suspension
51 involves the possession with intent to distribute, sale, or distribution
52 of a controlled dangerous substance (controlled substance), or
53 controlled dangerous substance analog (controlled substance analog),
54 racketeering or theft from a pier or waterfront terminal.

55 5. The commission, or such officer, employee or agent of the commis-
56 sion as may be designated by the commission for such purpose, shall have

1 the power to issue subpoenas to compel the attendance of witnesses and
2 the giving of testimony or production of other evidence and to adminis-
3 ter oaths in connection with any such hearing. It shall be the duty of
4 the commission or of any officer, employee or agent of the commission
5 designated by the commission for such purpose to issue subpoenas at the
6 request of and upon behalf of the licensee, registrant or applicant.
7 The commission or such person conducting the hearing shall not be bound
8 by common law or statutory rules of evidence or by technical or formal
9 rules of procedure in the conduct of such hearing.

10 6. Upon the conclusion of the hearing, the commission shall take such
11 action upon such findings and determination as it deems proper and shall
12 execute an order carrying such findings into effect. The action in the
13 case of an application for a license or registration shall be the grant-
14 ing or denial thereof. The action in the case of a licensee shall be
15 revocation of the license or suspension thereof for a fixed period or
16 reprimand or a dismissal of the charges. The action in the case of a
17 registered longshoreman shall be dismissal of the charges, reprimand or
18 removal from the longshoremen's register for a fixed period or perma-
19 rently.

20 7. The action of the commission in denying any application for a
21 license or in refusing to include any person in the longshoremen's
22 register under this act or in suspending or revoking such license or
23 removing any person from the longshoremen's register or in reprimanding
24 a licensee or registrant shall be subject to judicial review by a
25 proceeding instituted in this state at the instance of the applicant,
26 licensee or registrant in the manner provided by state law for review of
27 the final decision or action of an agency of this state provided, howev-
28 er, that notwithstanding any other provision of law the court shall have
29 power to stay for not more than thirty days an order of the commission
30 suspending or revoking a license or removing a longshoreman from the
31 longshoremen's register.

32 8. At hearings conducted by the commission pursuant to this section,
33 applicants, prospective licensees, licensees and registrants shall have
34 the right to be accompanied and represented by counsel.

35 9. After the conclusion of a hearing but prior to the making of an
36 order by the commission, a hearing may, upon petition and in the
37 discretion of the hearing officer, be reopened for the presentation of
38 additional evidence. Such petition to reopen the hearing shall state in
39 detail the nature of the additional evidence, together with the reasons
40 for the failure to submit such evidence prior to the conclusion of the
41 hearing. The commission may upon its own motion and upon reasonable
42 notice reopen a hearing for the presentation of additional evidence.
43 Upon petition, after the making of an order of the commission, rehearing
44 may be granted in the discretion of the commission. Such a petition for
45 rehearing shall state in detail the grounds upon which the petition is
46 based and shall separately set forth each error of law and fact alleged
47 to have been made by the commission in its determination, together with
48 the facts and arguments in support thereof. Such petition shall be filed
49 with the commission not later than thirty days after service of such
50 order, unless the commission for good cause shown shall otherwise
51 direct. The commission may upon its own motion grant a rehearing after
52 the making of an order.

53 § 534-o. Employment information centers. 1. The commission shall
54 establish and maintain one or more employment information centers within
55 the port of New York district in this state at such locations as it may
56 determine. No person shall, directly or indirectly, hire any person for



1 work as a longshoreman or port watchman within the port of New York
2 district in this state, except through such particular employment infor-
3 mation center or centers as may be prescribed by the commission. No
4 person shall accept any employment as a longshoreman or port watchman
5 within the port of New York district in this state, except through such
6 an employment information center. At each such employment information
7 center the commission shall keep and exhibit the longshoremen's register
8 and any other records it shall determine to the end that longshoremen
9 and port watchmen shall have the maximum information as to available
10 employment as such at any time within the port of New York district in
11 this state and to the end that employers shall have an adequate opportu-
12 nity to fill their requirements of registered longshoremen and port
13 watchmen at all times.

14 2. Every employer of longshoremen or port watchmen within the port of
15 New York district in this state shall furnish such information as may be
16 required by the rules and regulations prescribed by the commission with
17 regard to the name of each person hired as a longshoreman or port watch-
18 man, the time and place of hiring, the time, place and hours of work,
19 and the compensation therefor.

20 § 534-p. Implementation of telecommunications hiring system for long-
21 shoremen and checkers; registration of telecommunications system
22 controller. 1. The commission may designate one of the employment infor-
23 mation centers it is authorized to establish and maintain under section
24 five hundred thirty-four-o of this article for the implementation of a
25 telecommunications hiring system through which longshoremen and checkers
26 may be hired and accept employment without any personal appearance at
27 said center. Any such telecommunications hiring system shall incorpo-
28 rate hiring and seniority agreements between the employers of longshore-
29 men and checkers and the labor organization representing longshoremen
30 and checkers in the port of New York district in this state, provided
31 said agreements are not in conflict with the provisions of the article.

32 2. The commission shall permit employees of the association represent-
33 ing employers of longshoremen and checkers and of the labor organization
34 representing longshoremen and checkers in the port of New York district
35 in this state, or of a joint board of such association and labor organ-
36 ization, to participate in the operation of said telecommunications
37 hiring system, provided that any such employee is registered by the
38 commission as a "telecommunications system controller" in accordance
39 with the provisions, standards and grounds set forth in the act with
40 respect to the registration of checkers. No person shall act as a
41 "telecommunications system controller" unless that person is so regis-
42 tered. Any application for such registration and any registration made
43 or issued may be denied, revoked, or suspended, as the case may be, only
44 in the manner prescribed in section five hundred thirty-four-n of this
45 article. Any and all such participation in the operation of said tele-
46 communications hiring system shall be monitored by the commission.

47 3. Any and all records, documents, tapes, discs and other data
48 compiled, collected or maintained by said association of employers,
49 labor organization and joint board of such association and labor organ-
50 ization pertaining to the telecommunications hiring system shall be
51 available for inspection, investigation and duplication by the commis-
52 sion.

53 § 534-q. Construction of act. 1. This act is not designed and shall
54 not be construed to limit in any way any rights granted or derived from
55 any other statute or any rule of law for employees to organize in labor
56 organizations, to bargain collectively and to act in any other way indi-

1 vidually, collectively, and through labor organizations or other repre-
2 sentatives of their own choosing. Without limiting the generality of
3 the foregoing, nothing contained in this act shall be construed to limit
4 in any way the right of employees to strike.

5 2. This act is not designed and shall not be construed to limit in any
6 way any rights of longshoremen, hiring agents, pier superintendents or
7 port watchmen or their employers to bargain collectively and agree upon
8 any method for the selection of such employees by way of seniority,
9 experience, regular gangs or otherwise, provided that such employees
10 shall be licensed or registered hereunder and such longshoremen and port
11 watchmen shall be hired only through the employment information centers
12 established hereunder and that all other provisions of this act be
13 observed.

14 § 534-r. Certain solicitations prohibited; prohibition against the
15 holding of union position by officers, agents or employees who have been
16 convicted of certain crimes and offenses. 1. No person shall solicit,
17 collect or receive any dues, assessments, levies, fines or contrib-
18 utions, or other charges within the state for or on behalf of any labor
19 organization which represents employees registered or licensed pursuant
20 to the provisions of this article or which derives its charter from a
21 labor organization representing one hundred or more of such registered
22 or licensed employees, if any officer, agent or employee of such labor
23 organization, or of a welfare fund or trust administered partially or
24 entirely by such labor organization or by trustees or other persons
25 designated by such labor organization, has been convicted by a court of
26 the United States, or any state or territory thereof, of a felony, any
27 misdemeanor involving moral turpitude or any crime or offense enumerated
28 in paragraph (b) of subdivision three of section five hundred thirty-
29 four-j of this article, unless such person has been subsequently
30 pardoned therefor by the governor or other appropriate authority of the
31 state or jurisdiction in which such conviction was had or has received a
32 certificate of good conduct from the board of parole pursuant to the
33 provisions of the executive law to remove the disability. No person so
34 convicted shall serve as an officer, agent or employee of such labor
35 organization, welfare fund or trust unless such person has been so
36 pardoned or has received a certificate of good conduct. No person,
37 including such labor organization, welfare fund or trust, shall knowing-
38 ly permit such convicted person to assume or hold any office, agency, or
39 employment in violation of this section.

40 2. As used in this section, the term "labor organization" shall mean
41 and include any organization which exists and is constituted for the
42 purpose in whole or in part of collective bargaining, or of dealing with
43 employers concerning grievances, terms and conditions of employment, or
44 of other mutual aid or protection; but it shall not include a feder-
45 ation or congress of labor organizations organized on a national or
46 international basis even though one of its constituent labor organiza-
47 tions may represent persons so registered or licensed.

48 3. Any person who shall violate this section shall be guilty of a
49 misdemeanor punishable by a fine of not more than five hundred dollars
50 or imprisonment for not more than one year or both.

51 4. If upon application to the commission by an employee who has been
52 convicted of a crime or offense specified in subdivision one of this
53 section the commission, in its discretion, determines in an order that
54 it would not be contrary to the purposes and objectives of this act for
55 such employee to work in a particular employment for a labor organiza-
56 tion, welfare fund or trust within the meaning of subdivision two of



1 this section, the provisions of subdivision two of this section shall
2 not apply to the particular employment of such employee with respect to
3 such conviction or convictions as are specified in the commission's
4 order. This section is applicable only to those employees who for wages
5 or salary perform manual, mechanical, or physical work of a routine or
6 clerical nature at the premises of the labor organization, welfare fund
7 or trust by which they are employed.

8 5. No person who has been convicted of a crime or offense specified in
9 subdivision one of this section shall directly or indirectly serve as an
10 officer, agent or employee of a labor organization, welfare fund or
11 trust unless such person has been subsequently pardoned for such crime
12 or offense by the governor or other appropriate authority of the state
13 or jurisdiction in which such conviction was had or has received a
14 certificate of good conduct or other relief from disabilities arising
15 from the fact of conviction from a board of parole or similar authority
16 or has received pursuant to subdivision one of this section an order of
17 exception from the commission. No person, including a labor organiza-
18 tion, welfare fund or trust within the meaning of subdivision one of
19 this section, shall knowingly permit any other person to assume or hold
20 any office, agency or employment in violation of this section.

21 6. The commission may maintain a civil action against any person,
22 labor organization, welfare fund or trust or officers thereof to compel
23 compliance with this section, or to prevent any violations, the aiding
24 and abetting thereof, or any attempt or conspiracy to violate this
25 section, either by mandamus, injunction or action or proceeding in lieu
26 of prerogative writ and upon a proper showing a temporary restraining
27 order or other appropriate temporary order shall be granted ex parte and
28 without bond pending final hearing and determination. Nothing in this
29 section shall be construed to modify, limit or restrict in any way the
30 provisions of subdivision one of this section.

31 § 534-s. General violations; prosecutions; penalties. 1. The failure
32 of any witness, when duly subpoenaed to attend, give testimony or
33 produce other evidence, whether or not at a hearing, shall be punishable
34 by the supreme court in New York in the same manner as said failure is
35 punishable by such court in a case therein pending.

36 2. Any person who, having been duly sworn or affirmed as a witness in
37 any such hearing, shall willfully give false testimony or who shall
38 willfully make or file any false or fraudulent report or statement
39 required by this article to be made or filed under oath, shall be guilty
40 of a misdemeanor, punishable by a fine of not more than one thousand
41 dollars or imprisonment for not more than one year or both.

42 3. Any person who, having been duly sworn or affirmed as a witness in
43 any investigation, interview or other proceeding conducted by the
44 commission pursuant to the provisions of this article, shall willfully
45 give false testimony shall be guilty of a misdemeanor, punishable by a
46 fine of not more than one thousand dollars or imprisonment for not more
47 than one year or both.

48 4. The commission may maintain a civil action on behalf of the state
49 against any person who violates or attempts or conspires to violate this
50 section or who fails, omits, or neglects to obey, observe, or comply
51 with any order or direction of the commission, to recover a judgment for
52 a money penalty not exceeding five hundred dollars for each and every
53 offense. Every violation of any such provision, order or direction,
54 shall be a separate and distinct offense, and, in case of a continuing
55 violation, every day's continuance shall be and be deemed to be a sepa-
56 rate and distinct offense. Any such action may be compromised or

1 discontinued on application of the commission upon such terms as the
2 court may approve and a judgment may be rendered for an amount less than
3 the amount demanded in the complaint as justice may require.

4 5. The commission may maintain a civil action against any person to
5 compel compliance with any of the provisions of this act or to prevent
6 violations, attempts or conspiracies to violate any such provisions, or
7 interference, attempts or conspiracies to interfere with or impede the
8 enforcement of any such provisions or the exercise performance of any
9 power or duty thereunder, either by mandamus, injunction or action or
10 proceeding in lieu of prerogative writ.

11 6. Any person who violates or attempts or conspires to violate any
12 other provision of this article shall be guilty of a misdemeanor,
13 punishable by a fine of not more than five hundred dollars or by impri-
14 sonment for not more than one year, or both.

15 7. Any person who interferes with or impedes the orderly registration
16 of longshoremen pursuant to this act or who conspires to or attempts to
17 interfere with or impede such registration shall be guilty of a misde-
18 meanor, punishable by a fine of not more than five hundred dollars or by
19 imprisonment for not more than one year, or both.

20 8. Any person who directly or indirectly inflicts or threatens to
21 inflict any injury, damage, harm or loss or in any other manner prac-
22 tices intimidation upon or against any person in order to induce or
23 compel such person or any other person to refrain from registering
24 pursuant to this act shall be guilty of a misdemeanor, punishable by a
25 fine of not more than five hundred dollars or by imprisonment for not
26 more than one year, or both.

27 9. Any person who shall violate any of the provisions of this article
28 or of section five hundred thirty-four-x of this article for which no
29 other penalty is prescribed shall be guilty of a misdemeanor, punisha-
30 ble by a fine of not more than five hundred dollars or by imprisonment
31 for not more than one year, or both.

32 10. No person shall, without a satisfactory explanation, loiter upon
33 any vessel, dock, wharf, pier, bulkhead, terminal, warehouse, or other
34 waterfront facility or within five hundred feet thereof in that portion
35 of the port of New York district within the state of New York.

36 11. Any person who, without justification or excuse in law, directly
37 or indirectly intimidates or inflicts any injury, damage, harm, loss or
38 economic reprisal upon any person licensed or registered by the commis-
39 sion, or any other person, or attempts, conspires or threatens so to
40 do, in order to interfere with, impede or influence such licensed or
41 registered person in the performance or discharge of the person's duties
42 or obligations shall be punishable as provided in subdivision three of
43 section five hundred thirty-four-r of this article.

44 12. In any prosecution under this act, it shall be sufficient to prove
45 only a single act or a single holding out or attempt prohibited by law,
46 without having to prove a general course of conduct, in order to prove a
47 violation.

48 § 534-t. Denial of applications. In addition to the grounds elsewhere
49 set forth in this article, the commission may deny an application for a
50 license or registration for any of the following:

51 1. Conviction by a court of the United States or any state or territo-
52 ry thereof of coercion;

53 2. Conviction by any such court, after having been previously
54 convicted by any such court of any crime or of the offenses set forth in
55 this article, of a misdemeanor or any of the following offenses:
56 assault, malicious injury to property, malicious mischief, unlawful



1 taking of a motor vehicle, corruption of employees or possession of
2 lottery or number slips;

3 3. Fraud, deceit or misrepresentation in connection with any applica-
4 tion or petition submitted to, or any interview, hearing or proceeding
5 conducted by the commission;

6 4. Violation of any provision of this act or commission of any offense
7 under this article;

8 5. Refusal on the part of any applicant, or prospective licensee, or
9 of any member, officer or stockholder required by subdivision two of
10 section five hundred thirty-four-g of this article to sign or be identi-
11 fied in an application for a stevedore license, to answer any material
12 question or produce any material evidence in connection with his or her
13 application or any application made on his or her behalf for a license
14 or registration pursuant to this article;

15 6. Association with a person who has been identified by a federal,
16 state, or local law enforcement agency as a member or associate of an
17 organized crime group, a terrorist group, or a career offender cartel,
18 or who is a career offender, under circumstances where such association
19 creates a reasonable belief that the participation of the applicant in
20 any activity required to be licensed under this article would be inimi-
21 cal to the policies of this article; or

22 7. Conviction of a racketeering activity or knowing association with a
23 person who has been convicted of a racketeering activity by a court of
24 the United States or any state or territory thereof under circumstances
25 where such association creates a reasonable belief that the partic-
26 ipation of the applicant in any activity required to be licensed under
27 this article would be inimical to the policies of this article.

28 § 534-u. Revocation of licenses and registrations. In addition to the
29 grounds elsewhere set forth in this article, any license or registration
30 issued or made pursuant thereto may be revoked or suspended for such
31 period as the commission deems in the public interest or the licensee or
32 registrant may be reprimanded, for:

33 1. Conviction of any crime or offense in relation to gambling, book-
34 making, pool selling, lotteries or similar crimes or offenses if the
35 crime or offense was committed at or on a pier or other waterfront
36 terminal or within five hundred feet thereof;

37 2. Willful commission of, or willful attempt to commit at or on a
38 waterfront terminal or adjacent highway, any act of physical injury to
39 any other person or of willful damage to or misappropriation of any
40 other person's property, unless justified or excused by law;

41 3. Receipt or solicitation of anything of value from any person other
42 than a licensee's or registrant's employer as consideration for the
43 selection or retention for employment of such licensee or registrant;

44 4. Coercion of a licensee or registrant by threat of discrimination or
45 violence or economic reprisal, to make purchases from or to utilize the
46 services of any person;

47 5. Refusal to answer any material question or produce any evidence
48 lawfully required to be answered or produced at any investigation,
49 interview or other proceeding conducted by the commission pursuant to
50 the provisions of this act, or, if such refusal is accompanied by a
51 valid plea of privilege against self-incrimination, refusal to obey an
52 order to answer such question or produce such evidence made by the
53 commission pursuant to the provisions of subdivision one of section five
54 hundred thirty-four-v of this article;

55 6. Association with a person who has been identified by a federal,
56 state, or local law enforcement agency as a member or associate of an

1 organized crime group, a terrorist group, or a career offender cartel,
2 or who is a career offender, under circumstances where such association
3 creates a reasonable belief that the participation of the applicant in
4 any activity required to be licensed under this act would be inimical to
5 the policies of this article; or

6 7. Conviction of a racketeering activity or knowing association with a
7 person who has been convicted of a racketeering activity by a court of
8 the United States or any state or territory thereof under circumstances
9 where such association creates a reasonable belief that the partic-
10 ipation of the applicant in any activity required to be licensed under
11 this act would be inimical to the policies of this article.

12 § 534-v. Refusal to answer question, immunity; prosecution. 1. In any
13 investigation, interview or other proceeding conducted under oath by the
14 commission or any duly authorized officer, employee or agent thereof, if
15 a person refuses to answer a question or produce evidence of any other
16 kind on the ground that the person may be incriminated thereby, and,
17 notwithstanding such refusal, an order is made upon twenty-four hours'
18 prior written notice to the attorney general of the state of New York,
19 and to the appropriate district attorney or prosecutor having an offi-
20 cial interest therein, by the commissioner or by the commissioner's
21 designees appointed pursuant to the provisions of subdivision three of
22 section five hundred thirty-four-c of this article, that such person
23 answer the question or produce the evidence, such person shall comply
24 with the order. If such person complies with the order, and if, but for
25 this subdivision, would have been privileged to withhold the answer
26 given or the evidence produced by the person, then immunity shall be
27 conferred upon the person, as provided for in this section. "Immunity"
28 as used in this subdivision means that such person shall not be prose-
29 cuted or subjected to any penalty or forfeiture for or on account of any
30 transaction, matter or thing concerning which, in accordance with the
31 order by the commission or the commissioner's designees appointed pursu-
32 ant to the provisions of subdivision three of section five hundred thir-
33 ty-four-c of this article, such person gave answer or produced evidence,
34 and that no such answer given or evidence produced shall be received
35 against the person upon any criminal proceeding. But the person may
36 nevertheless be prosecuted or subjected to penalty or forfeiture for any
37 perjury or contempt committed in answering, or failing to answer, or in
38 producing or failing to produce evidence, in accordance with the order,
39 and any such answer given or evidence produced shall be admissible
40 against the person upon any criminal proceeding concerning such perjury
41 or contempt. Immunity shall not be conferred upon any person except in
42 accordance with the provisions of this subdivision. If, after compli-
43 ance with the provisions of this subdivision, a person is ordered to
44 answer a question or produce evidence of any other kind and complies
45 with such order, and it is thereafter determined that the attorney
46 general or appropriate district attorney or prosecutor having an offi-
47 cial interest therein not notified, such failure or neglect shall not
48 deprive such person of any immunity otherwise properly conferred upon
49 the person.

50 2. If a person, in obedience to a subpoena directing the person to
51 attend and testify, comes into this state from another state, the person
52 shall not, while in this state pursuant to such subpoena, be subject to
53 arrest or the service of process, civil or criminal, in connection with
54 matters which arose before the person's entrance into this state under
55 the subpoena.



1 § 534-w. Annual preparation of a budget request and assessments. 1.
2 The commission shall annually submit a budget request, which shall be
3 submitted to the director of the budget in such form as the director may
4 require.

5 2. After taking into account such funds as may be available, the
6 balance of the commission's budgeted expenses shall be assessed upon
7 employers of persons registered or licensed under this act. Each such
8 employer shall pay an assessment computed upon the gross payroll
9 payments made by such employer to longshoremen, pier superintendents,
10 hiring agents and port watchmen for work or labor performed within the
11 port of New York district in this state, at a rate, not in excess of two
12 per cent, computed by the commission in the following manner: the
13 commission shall annually estimate the gross payroll payments to be made
14 by employers subject to assessment and shall compute a rate thereon
15 which will yield revenues sufficient to finance the commission's budget
16 for each year. Such budget to be assessed upon employers may include a
17 reasonable amount not to exceed ten percent of the total of all other
18 items of expenditure contained therein, which shall be allocated to an
19 applicable fund balance to be held in the commission's employers assess-
20 ment account.

21 3. The commission may provide by regulation for the collection and
22 auditing of assessments. Such assessments shall be payable pursuant to
23 such provisions for administration, collection and enforcement as the
24 state may provide by legislation. In addition to any other sanction
25 provided by law, the commission may revoke or suspend any license held
26 by any person under this article, or the person's privilege of employing
27 persons registered or licensed hereunder, for non-payment of any assess-
28 ment when due.

29 4. The assessment pursuant to this section shall be in lieu of any
30 other charge for the issuance of licenses to stevedores, pier super-
31 intendents, hiring agents and pier watchmen or for the registration of
32 longshoremen or the use of an employment information center. The
33 commission shall establish reasonable procedures for the consideration
34 of protests by affected employers concerning the estimates and computa-
35 tion of the rate of assessment.

36 § 534-x. Payment of assessment. 1. Every person subject to the
37 payment of any assessment under the provisions of section five hundred
38 thirty-four-w of this article shall file on or before the fifteenth day
39 of the first month of each calendar quarter-year a separate return,
40 together with the payment of the assessment due, for the preceding
41 calendar quarter-year during which any payroll payments were made to
42 longshoremen, pier superintendents, hiring agents or port watchmen for
43 work performed as such within the port of New York district in this
44 state. Returns covering the amount of assessment payable shall be filed
45 with the commission on forms to be furnished for such purpose and shall
46 contain such data, information or matter as the commission may require
47 to be included therein. The commission may grant a reasonable extension
48 of time for filing returns, or for the payment of assessment, whenever
49 good cause exists. Every return shall have annexed thereto a certif-
50 ication to the effect that the statements contained therein are true.

51 2. Every person subject to the payment of assessment hereunder shall
52 keep an accurate record of that person's employment of longshoremen,
53 pier superintendents, hiring agents or port watchmen, which shall show
54 the amount of compensation paid and such other information as the
55 commission may require. Such records shall be preserved for a period of
56 three years and be open for inspection at reasonable times. The commis-

1 sion may consent to the destruction of any such records at any time
2 after said period or may require that they be kept longer, but not in
3 excess of six years.

4 3. (a) The commission shall audit and determine the amount of assess-
5 ment due from the return filed and such other information as is avail-
6 able to it. Whenever a deficiency in payment of the assessment is
7 determined the commission shall give notice of any such determination to
8 the person liable therefor. Such determination shall finally and conclu-
9 sively fix the amount due, unless the person against whom it is assessed
10 shall, within thirty days after the giving of notice of such determi-
11 nation, apply in writing to the commission for a hearing, or unless the
12 commission on its own motion shall reduce the same. After such hearing,
13 the commission shall give notice of its decision to the person liable
14 therefor. A determination of the commission under this section shall be
15 subject to judicial review, if application for such review is made with-
16 in thirty days after the giving of notice of such decision. Any deter-
17 mination under this section shall be made within five years from the
18 time the return was filed and if no return was filed such determination
19 may be made at any time.

20 (b) Any notice authorized or required under this section may be given
21 by mailing the same to the person for whom it is intended at the last
22 address given by that person to the commission, or in the last return
23 filed by that person with the commission under this section, or, if no
24 return has been filed then to such address as may be obtainable. The
25 mailing of such notice shall be presumptive evidence of the receipt of
26 same by the person to whom addressed. Any period of time, which is
27 determined according to the provisions of this section, for the giving
28 of notice shall commence to run from the date of mailing of such notice.

29 4. Whenever any person shall fail to pay, within the time limited
30 herein, any assessment which the person is required to pay to the
31 commission under the provisions of this section the commission may
32 enforce payment of such fee by civil action for the amount of such
33 assessment with interest and penalties.

34 5. The employment by a nonresident of a longshoreman, or a licensed
35 pier superintendent, hiring agent or port watchman in this state or the
36 designation by a nonresident of a longshoreman, pier superintendent,
37 hiring agent or port watchman to perform work in this state shall be
38 deemed equivalent to an appointment by such nonresident of the secretary
39 of state to be the nonresident's true and lawful attorney upon whom may
40 be served the process in any action or proceeding against the nonresi-
41 dent growing out of any liability for assessments, penalties or inter-
42 est, and a consent that any such process against the nonresident which
43 is so served shall be of the same legal force and validity as if served
44 personally within the state and within the territorial jurisdiction of
45 the court from which the process issues. Service of process within this
46 state shall be made by either:

47 (a) personally delivering to and leaving with the secretary of state
48 duplicate copies thereof at the office of the department of state, in
49 which event the secretary of state shall forthwith send by registered
50 mail one of such copies to the person at the last address designated by
51 the person to the commission for any purpose under this section or in
52 the last return filed by the person under this section with the commis-
53 sion or as shown on the records of the commission, or if no return has
54 been filed, at the person's last known office address within or outside
55 of the state; or



1 (b) personally delivering to and leaving with the secretary of state a
2 copy thereof at the office of the department of state and by delivering
3 a copy thereof to the person, personally outside of the state. Proof of
4 such personal service outside of the state shall be filed with the
5 clerk of the court in which the process is pending within thirty days
6 after such service and such service shall be complete ten days after
7 proof thereof is filed.

8 6. Whenever the commission shall determine that any moneys received as
9 assessments were paid in error, it may cause the same to be refunded,
10 provided an application therefor is filed with the commission within two
11 years from the time the erroneous payment was made.

12 7. In addition to any other powers authorized hereunder, the commis-
13 sion shall have power to promulgate reasonable rules and regulations to
14 effectuate the purposes of this section.

15 8. Any person who shall willfully fail to pay any assessment due here-
16 under, shall be assessed interest at a rate of one percent per month on
17 the amount due and unpaid and penalties of five percent of the amount
18 due for each thirty days or part thereof that the assessment remains
19 unpaid. The commission, may, for good cause shown, abate all or part of
20 such penalty.

21 9. Any person who shall willfully furnish false or fraudulent informa-
22 tion or shall willfully fail to furnish pertinent information, as
23 required, with respect to the amount of assessment due, shall be guilty
24 of a misdemeanor, punishable by a fine of not more than one thousand
25 dollars, or imprisonment for not more than one year, or both.

26 10. All funds of the commission received as payment of any assessment
27 or penalty under this section shall be deposited with the comptroller.
28 The comptroller may require that all such deposits be secured by obli-
29 gations of the United States or of the state of New York of a market
30 value equal at all times to the amount of the deposits, and all banks
31 and trust companies are authorized to give such security for such
32 deposits.

33 11. The commission shall reimburse the state for any funds advanced to
34 the commission exclusive of sums appropriated pursuant to section five
35 hundred thirty-four-w of this article.

36 § 534-y. Transfer of officers, employees. 1. Any officer or employee
37 in the state, county or municipal civil service in either state who
38 shall transfer to service with the commission may be given one or more
39 leaves of absence without pay and may, before the expiration of
40 such leave or leaves of absence, and without further examination or
41 qualification, return to the person's former position or be certified
42 by the appropriate civil service agency for retransfer to a compa-
43 rable position in such state, county, or municipal civil service if
44 such a position is then available.

45 2. The commission may, by agreement with any federal agency from which
46 any officer or employee may transfer to service with the commission,
47 make similar provision for the retransfer of such officer or employee to
48 such federal agency.

49 3. Notwithstanding the provisions of any other law in either state,
50 any officer or employee in the state, county or municipal service in
51 either state who shall transfer to service with the commission and who
52 is a member of any existing state, county or municipal pension or
53 retirement system in New Jersey or New York, shall continue to have all
54 rights, privileges, obligations and status with respect to such fund,
55 system or systems as if the person had continued in the person's state,
56 county or municipal office or employment, but during the period of the

1 person's service as a commissioner, officer or employee of the commis-
2 sion, all contributions to any pension or retirement fund or system to
3 be paid by the employer on account of such commissioner, officer or
4 employee, shall be paid by the commission. The commission may, by
5 agreement with the appropriate federal agency, make similar provisions
6 relating to continuance of retirement system membership for any federal
7 officer or employee so transferred.

8 § 3. Paragraphs (h) and (k) of subdivision 34 of section 1.20 of the
9 criminal procedure law, as amended by chapter 187 of the laws of 2023,
10 are amended to read as follows:

11 (h) An investigator employed by the New York Waterfront Commission or
12 a commission created by an interstate compact[, or by section six of
13 chapter eight hundred eighty-two of the laws of nineteen hundred fifty-
14 three, constituting the waterfront commission act, as amended,] who is,
15 to a substantial extent, engaged in the enforcement of the criminal laws
16 of this state;

17 (k) A sworn officer of the New York Waterfront Commission or a police
18 force of a public authority created by an interstate compact[, or by
19 section six of chapter eight hundred eighty-two of the laws of nineteen
20 hundred fifty-three, constituting the waterfront commission act, as
21 amended,] where such force is certified in accordance with paragraph (d)
22 of subdivision one of section eight hundred forty-six-h of the executive
23 law;

24 § 4. Subdivision 34 of section 2.10 of the criminal procedure law, as
25 added by chapter 843 of the laws of 1980, is amended to read as follows:

26 34. New York Waterfront [and airport] investigators, pursuant to
27 [subdivision four of section ninety-nine hundred six of the unconsol-
28 idated laws] article nineteen-I of the executive law; provided, however,
29 that nothing in this subdivision shall be deemed to authorize such offi-
30 cer to carry, possess, repair or dispose of a firearm unless the appro-
31 priate license therefor has been issued pursuant to section 400.00 of
32 the penal law.

33 § 5. Paragraph k of subdivision 11 of section 302 of the retirement
34 and social security law, as added by chapter 187 of the laws of 2023, is
35 amended to read as follows:

36 k. Service as an investigator or sworn officer of the New York Water-
37 front Commission or the waterfront commission of New York harbor [or the
38 commission created by section six of chapter eight hundred eighty-two of
39 the laws of nineteen hundred fifty-three, constituting the waterfront
40 commission act, as amended].

41 § 6. Subdivision a and subparagraph (ii) of paragraph 1 of subdivision
42 c section 381-b of the retirement and social security law, as amended by
43 chapter 187 of the laws of 2023, are amended to read as follows:

44 a. Membership. Every member or officer of the division of state police
45 in the executive department who enters or re-enters service in the divi-
46 sion on or after April first, nineteen hundred sixty-nine, and every
47 investigator or sworn officer employed by the commission created by
48 section six of chapter eight hundred eighty-two of the laws of nineteen
49 hundred fifty-three, constituting the waterfront commission act, as
50 amended, on or after July first, two thousand twenty-three, and every
51 investigator or sworn officer employed by the New York Waterfront
52 Commission in the executive department shall be covered by the
53 provisions of this section, and every member or officer of the division
54 of state police in the executive department in such service on such date
55 may elect to be covered by the provisions of this section by filing an
56 election therefor with the comptroller on or before March thirty-first,

1 nineteen hundred seventy-two. To be effective, such election must be
2 duly executed and acknowledged on a form prepared by the comptroller for
3 that purpose.

4 (ii) for service rendered as an investigator or sworn officer of the
5 waterfront commission of New York harbor, for service rendered as an
6 investigator or sworn officer of the New York Waterfront Commission,
7 [and] for service rendered as an investigator-trainee of the waterfront
8 commission of New York harbor, and for service rendered as an investiga-
9 tor-trainee of the New York Waterfront Commission, that was creditable
10 under subdivision w of section three hundred eighty-four-d of this arti-
11 cle; and

12 § 7. Subdivision w of section 384-d of the retirement and social secu-
13 rity law, as added by chapter 407 of the laws of 2000, is amended to
14 read as follows:

15 w. Notwithstanding any other provision of law to the contrary, any
16 member of the New York state and local police and fire retirement system
17 who was a member of the New York state and local employees' retirement
18 system while employed as an investigator-trainee, Waterfront Commission
19 of New York Harbor or the New York Waterfront Commission, which [is] are
20 not deemed to be police service, who [is] are employed by the New York
21 Waterfront Commission [of New York Harbor], which is an employer elect-
22 ing to participate in the optional twenty year retirement plan pursuant
23 to this section shall be deemed to have provided police service while so
24 employed by the Waterfront Commission of New York Harbor or the New York
25 Waterfront Commission and shall receive creditable service in the New
26 York state and local police and fire retirement system for prior credit-
27 able service in the New York state and local employees' retirement
28 system earned while employed as an investigator-trainee and shall have
29 the period of such prior service credit counted as police service for
30 the purpose of determining the amount of their pension and retirement
31 allowance and period of service needed for retirement.

32 § 8. Paragraph (c) of subdivision 1 of section 5 of the tax law, as
33 amended by chapter 170 of the laws of 1994, is amended to read as
34 follows:

35 (c) "Covered agency" shall mean the state of New York, any county of
36 the state of New York, any department, board, bureau, commission, divi-
37 sion, office, council or agency of the state or any such county, a
38 public authority, a public benefit corporation, the port authority of
39 New York and New Jersey or the waterfront commission of New York harbor.
40 When a county is wholly included within a city, then the term "county"
41 shall be read to include the city. "Covered agency" shall also include
42 the New York Waterfront Commission.

43 § 9. Paragraph 8 of subdivision c of section 1105 of the tax law, as
44 added by chapter 190 of the laws of 1990, is amended to read as follows:

45 (8) Protective and detective services, including, but not limited to,
46 all services provided by or through alarm or protective systems of every
47 nature, including, but not limited to, protection against burglary,
48 theft, fire, water damage or any malfunction of industrial processes or
49 any other malfunction of or damage to property or injury to persons,
50 detective agencies, armored car services and guard, patrol and watchman
51 services of every nature other than the performance of such services by
52 a port watchman licensed by the New York Waterfront Commission or the
53 waterfront commission of New York harbor, whether or not tangible
54 personal property is transferred in conjunction therewith.

55 § 10. This act shall take effect June 30, 2024.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would create the New York Waterfront Commission and revise the Retirement and Social Security Law to make permanent the changes of Chapter 187 Laws of 2023, which added the titles of investigator and sworn officer employed by the Waterfront Commission Act, to the definition of membership in Section 381-b including making such service creditable under RSSL §381-b, and further expand creditable service to include service as an investigator-trainee.

If this bill is enacted during the 2024 Legislative Session, we do not anticipate any additional cost to the State of New York or the participating employers in the New York State and Local Police and Fire Retirement System.

To the extent that new members gain coverage under Section 381-b of the RSSL, we anticipate a contribution of 26.4% of salary paid to newly eligible members for the fiscal year ending March 31, 2025. In future years, this cost will vary but is expected to average 20.6% of salary annually.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 13, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-082, prepared by the Actuary for the New York State and Local Retirement System.

1

PART M

2 Section 1. Section 2 of part DDD of chapter 55 of the laws of 2021
3 amending the public authorities law relating to the clean energy
4 resources development and incentives program, is amended to read as
5 follows:

6 § 2. This act shall take effect immediately and shall expire and be
7 deemed repealed [three years after such date] April 19, 2030; provided
8 however, that the amendments to section 1902 of the public authorities
9 law made by section one of this act shall not affect the repeal of such
10 section and shall be deemed repealed therewith.

11 § 2. This act shall take effect immediately.

12

PART N



1 Section 1. Expenditures of moneys by the New York state energy
2 research and development authority for services and expenses of the
3 energy research, development and demonstration program, including
4 grants, the energy policy and planning program, and the Fuel NY program
5 shall be subject to the provisions of this section. Notwithstanding the
6 provisions of subdivision 4-a of section 18-a of the public service law,
7 all moneys committed or expended in an amount not to exceed \$28,725,000
8 shall be reimbursed by assessment against gas corporations, as defined
9 in subdivision 11 of section 2 of the public service law and electric
10 corporations as defined in subdivision 13 of section 2 of the public
11 service law, where such gas corporations and electric corporations have
12 gross revenues from intrastate utility operations in excess of \$500,000
13 in the preceding calendar year, and the total amount assessed shall be
14 allocated to each electric corporation and gas corporation in proportion
15 to its intrastate electricity and gas revenues in the calendar year
16 2022. Such amounts shall be excluded from the general assessment
17 provisions of subdivision 2 of section 18-a of the public service law.
18 The chair of the public service commission shall bill such gas and/or
19 electric corporations for such amounts on or before August 10, 2024 and
20 such amounts shall be paid to the New York state energy research and
21 development authority on or before September 10, 2024. Upon receipt,
22 the New York state energy research and development authority shall
23 deposit such funds in the energy research and development operating fund
24 established pursuant to section 1859 of the public authorities law. The
25 New York state energy research and development authority is authorized
26 and directed to: (1) transfer up to \$4 million to the state general fund
27 for climate change related services and expenses of the department of
28 environmental conservation from the funds received; and (2) commencing
29 in 2016, provide to the chair of the public service commission and the
30 director of the budget and the chairs and secretaries of the legislative
31 fiscal committees, on or before August first of each year, an itemized
32 record, certified by the president and chief executive officer of the
33 authority, or his or her designee, detailing any and all expenditures
34 and commitments ascribable to moneys received as a result of this
35 assessment by the chair of the department of public service pursuant to
36 section 18-a of the public service law. This itemized record shall
37 include an itemized breakdown of the programs being funded by this
38 section and the amount committed to each program. The authority shall
39 not commit for any expenditure, any moneys derived from the assessment
40 provided for in this section, until the chair of such authority shall
41 have submitted, and the director of the budget shall have approved, a
42 comprehensive financial plan encompassing all moneys available to and
43 all anticipated commitments and expenditures by such authority from any
44 source for the operations of such authority. Copies of the approved
45 comprehensive financial plan shall be immediately submitted by the chair
46 to the chairs and secretaries of the legislative fiscal committees. Any
47 such amount not committed by such authority to contracts or contracts to
48 be awarded or otherwise expended by the authority during the fiscal year
49 shall be refunded by such authority on a pro-rata basis to such gas
50 and/or electric corporations, in a manner to be determined by the
51 department of public service, and any refund amounts must be explicitly
52 lined out in the itemized record described above.

53 § 2. This act shall take effect immediately and shall be deemed to
54 have been in full force and effect on and after April 1, 2024.

55

PART O



1 Section 1. Short title, legislative findings and declaration. This act
2 shall be known and may be cited as the "renewable action through project
3 interconnection and deployment (RAPID) act." The legislature hereby
4 finds and declares that:

5 1. To timely achieve the renewable energy and greenhouse gas reduction
6 targets established pursuant to the climate leadership and community
7 protection act ("CLCPA"), while contemporaneously maintaining the reli-
8 ability of the state's electric transmission system, action is needed to
9 consolidate and expedite the environmental review and permitting of
10 major renewable energy facilities and major electric utility trans-
11 mission facilities.

12 2. Since enactment of the CLCPA, it has become apparent that the
13 State's bulk and local transmission facilities need to be significantly
14 upgraded to deliver renewable energy to load. These significant
15 upgrades in the bulk and local transmission system must be undertaken in
16 an expedited timeframe consistent with the timeframe to achieve the
17 CLCPA targets.

18 3. In the context of achieving the CLCPA targets, a public policy
19 purpose would be served and the interests of the people of the state of
20 New York would be advanced by transferring the Office of Renewable Ener-
21 gy Siting ("ORES"), currently under the auspices of the Department of
22 State, to the Department of Public Service ("DPS") and providing such
23 office with additional responsibilities for the review and permitting of
24 major electric transmission facilities as set forth in this act.

25 4. The legislature finds that such a transfer would combine the long-
26 standing expertise of DPS related to transmission siting, planning and
27 compliance with environmental and reliability standards with ORES's
28 expertise related to the siting of renewable energy resources and, in so
29 doing, create synergies, and otherwise provide for more efficient siting
30 of major renewable energy and transmission facilities.

31 § 2. Section 94-c of the executive law is REPEALED.

32 § 3. Transfer of Office of Renewable Energy Siting. ORES, an office
33 established in the Department of State by the Accelerated Renewable
34 Energy Growth and Community Benefit Act, enacted under part JJJ of chap-
35 ter 58 of the laws of 2020, is hereby transferred to and established
36 within the DPS, and shall continue to have all existing functions,
37 powers, duties and obligations of ORES together with the new additional
38 functions, powers, duties and obligations set forth in this act.

39 § 4. Continuity of existing functions, powers, duties and obli-
40 gations. All of the existing functions, powers, obligations, and duties
41 granted to ORES by section 94-c of the executive law now repealed, are
42 hereby transferred, and shall be deemed to and held to constitute the
43 continuation of such functions, powers, duties and obligations of ORES,
44 and not a different agency, authority, department or office. All appli-
45 cations pending before ORES on the effective date of this act shall be
46 considered and treated as applications filed pursuant to this act as of
47 the date of filing of such applications.

48 § 5. Transfer of employees. 1. Upon the transfer of such functions,
49 powers, duties and obligations pursuant to this act, provision shall be
50 made for the transfer of all employees of ORES situated within the
51 department of state into DPS pursuant to subdivision 2 of section 70 of
52 the civil service law. Employees so transferred shall be transferred
53 without further examination or qualification to the same or similar
54 titles, shall remain in the same collective bargaining units and shall
55 retain their respective civil service classifications, status and rights

1 pursuant to their collective bargaining units and collective bargaining
2 agreements.

3 2. All employees hired after the effective date of this section
4 shall, consistent with the provisions of article 14 of the civil service
5 law, be classified in the same bargaining units. Employees other than
6 management or confidential persons as defined in article 14 of the civil
7 service law serving positions in newly created titles shall be assigned
8 to the appropriate bargaining unit. Nothing contained herein shall be
9 construed to affect:

10 (a) the rights of employees pursuant to a collective bargaining agree-
11 ment; or

12 (b) the representational relationships among employee organizations or
13 the bargaining relationships between the state and an employee organiza-
14 tion.

15 § 6. Transfer of records. All records, including but not limited to,
16 books, papers, and property of ORES shall be transferred and delivered
17 to DPS.

18 § 7. Transfer and continuation of regulations; conforming changes.
19 Notwithstanding any inconsistent provision of the state administrative
20 procedure act: all rules and regulations of ORES adopted at 19 NYCRR
21 part 900 in force at the time of the transfer of ORES to DPS shall
22 continue in full force and effect as rules and regulations of the
23 department until duly modified or abrogated by such department; 19 NYCRR
24 part 900 shall be and hereby is transferred to 16 NYCRR part XXX, with
25 such conforming changes as shall be required to reflect the transfer and
26 relocation of ORES to DPS as provided in this act, without the need for
27 additional proceedings under the state administrative procedure act, and
28 shall continue in full force and effect; and notwithstanding article 8
29 of the environmental conservation law and its implementing regulations,
30 the transfer of 19 NYCRR part 900 to 16 NYCRR part XXX as provided in
31 this section shall be excluded from review for all purposes under the
32 state environmental quality review act, and shall not be subject to
33 review or otherwise actionable under article 78 of the civil practice
34 law and rules.

35 § 8. Promulgation of rules and regulations. Notwithstanding any incon-
36 sistent provision of the state administrative procedure act, the ORES in
37 consultation with DPS shall be authorized to promulgate regulations on
38 an emergency basis to ensure the implementation of this act absent any
39 finding of an emergency.

40 § 9. Subdivisions 3, 4 and 13 of section 2 of the public service law,
41 subdivisions 3 and 4 as amended by chapter 843 of the laws of 1981 and
42 subdivision 13 as amended by chapter 375 of the laws of 2022, are
43 amended and a new subdivision 2-e is added to read as follows:

44 2-e. The term "major renewable energy facility," when used in this
45 chapter, means any renewable energy system, as such term is defined in
46 section sixty-six-p of this chapter, with a nameplate generating capaci-
47 ty of twenty-five thousand kilowatts or more, and any co-located system
48 storing energy generated from such a renewable energy system prior to
49 delivering it to the bulk transmission system, including all associated
50 appurtenances to electric plants, including electric transmission facil-
51 ities less than ten miles in length in order to provide access to load
52 and to integrate such facilities into the state's bulk electric trans-
53 mission system.

54 3. The term "corporation," when used in this chapter, includes a
55 corporation, company, association and joint-stock association other than
56 a corporation, company, association or joint stock association generat-



1 ing electricity, shaft horsepower, useful thermal energy or gas solely
2 from one or more co-generation, small hydro or alternate energy
3 production facilities or distributing electricity, shaft horsepower,
4 useful thermal energy or gas solely from one or more of such facilities
5 to users located at or near a project site; provided, however, that
6 notwithstanding any other provision of law to the contrary, the term
7 "corporation" includes the holder of a certificate or permit issued
8 under article eight of this chapter, or a predecessor statute thereto,
9 for a major renewable energy facility with an electric generating capac-
10 ity between twenty-five and eighty megawatts or that otherwise opts into
11 article eight of this chapter for purposes of enforcement under sections
12 twenty-five and twenty-six of this article.

13 4. The word "person," when used in this chapter, includes an individ-
14 ual, firm or co-partnership other than an individual, firm or co-part-
15 nership generating electricity, shaft horsepower, useful thermal energy
16 or gas solely from one or more co-generation, small hydro or alternate
17 energy production facilities or distributing electricity, shaft horse-
18 power, useful thermal energy or gas solely from one or more of such
19 facilities to users located at or near a project site; provided, howev-
20 er, that an individual, firm or co-partnership generating or distribut-
21 ing electricity or gas solely from one or more co-generation, small
22 hydro or alternate energy production facilities shall nevertheless be
23 considered a person for purposes of commission jurisdiction under arti-
24 cle seven of this chapter; provided, however, that notwithstanding any
25 other provision of law to the contrary, the term "person" includes the
26 holder of a certificate or permit issued under article eight of this
27 chapter, or a predecessor statute thereto, for a major renewable energy
28 facility with an electric generating capacity between twenty-five and
29 eighty megawatts or that otherwise opts into article eight of this chap-
30 ter for purposes of enforcement under sections twenty-five and twenty-
31 six of this article.

32 13. The term "electric corporation," when used in this chapter,
33 includes every corporation, company, association, joint-stock associ-
34 ation, partnership and person, their lessees, trustees or receivers
35 appointed by any court whatsoever (other than a railroad or street rail-
36 road corporation generating electricity solely for railroad or street
37 railroad purposes or for the use of its tenants and not for sale to
38 others) owning, operating or managing any electric plant or thermal
39 energy network except where electricity or thermal energy is generated
40 or distributed by the producer solely on or through private property for
41 railroad or street railroad purposes or for its own use or the use of
42 its tenants and not for sale to others; or except where electricity is
43 generated by the producer solely from one or more co-generation, small
44 hydro or alternate energy production facilities or distributed solely
45 from one or more of such facilities to users located at or near a
46 project site; provided, however, that notwithstanding any other
47 provision of law to the contrary, the term "electric corporation"
48 includes the holder of a certificate or permit issued under article
49 eight of this chapter, or a predecessor statute thereto, for a major
50 renewable energy facility with an electric generating capacity between
51 twenty-five and eighty megawatts or that otherwise opts into article
52 eight of this chapter for purposes of enforcement under sections twen-
53 ty-five and twenty-six of this article.

54 § 10. The public service law is amended by adding a new section 3-c to
55 read as follows:

1 § 3-c. Office of renewable energy siting and electric transmission.
 2 1. Definitions. For the purposes of this section, the following terms
 3 shall have the following meanings:

4 (a) "Executive director" or "director" shall mean the executive direc-
 5 tor of the office of renewable energy siting and electric transmission.

6 (b) "ORES" and "office" shall mean the office of renewable energy
 7 siting and electric transmission established pursuant to this section.

8 (c) "Siting permit" shall mean the major renewable energy facility
 9 siting permit or major electric transmission facility permit issued by
 10 the executive director pursuant to article eight of this chapter, and
 11 the rules and regulations promulgated by ORES.

12 2. General powers and responsibilities. (a) There is hereby estab-
 13 lished in the department an office of renewable energy siting and elec-
 14 tric transmission.

15 (b) ORES shall accept applications and evaluate, issue, amend, and
 16 approve the assignment and/or transfer of siting permits pursuant to
 17 article eight of this chapter. ORES shall exercise its authority by and
 18 through the executive director.

19 (c) ORES, by and through the executive director, shall be authorized
 20 to conduct hearings and dispute resolution proceedings, issue permits,
 21 and adopt such rules, regulations and procedures as may be necessary,
 22 convenient, or desirable to effectuate the purposes of this section and
 23 article eight of this chapter.

24 (d) ORES shall, among other things, continue unimpeded the work of the
 25 office of renewable energy siting established under the former section
 26 ninety-four-c of the executive law. All permits issued by the former
 27 office of renewable energy siting, established pursuant to former
 28 section ninety-four-c of the executive law, and all certificates of
 29 environmental compatibility and public need issued by the commission
 30 pursuant to article seven of this chapter shall be considered for all
 31 legal purposes to be permits issued by ORES.

32 (e) All final siting permits issued by ORES or heretofore issued by
 33 the office of renewable energy siting established pursuant to the former
 34 section ninety-four-c of the executive law are hereby enforceable by
 35 ORES and the department pursuant to section twenty-five and section
 36 twenty-six of this article as if issued by the commission, except that
 37 such permits issued to combination gas and electric corporations are
 38 also enforceable by ORES and the department pursuant to section twenty-
 39 five-a of this article.

40 (f) At the request of ORES, all other state agencies and authorities
 41 are hereby authorized to provide support and render services to the
 42 office within their respective functions.

43 § 11. Articles 8 of the public service law, as added by chapter 708 of
 44 the laws of 1978 and as added by chapter 385 of the laws of 1972, are
 45 REPEALED and a new article 8 is added to read as follows:

46 ARTICLE VIII
 47 SITING OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION SITING

48 Section 136. Purpose.

49 137. Definitions.

50 138. General provisions related to establishing standards
 51 related to siting.

52 139. Applicability.

53 140. Application and notice.

1 141. Powers of municipalities and state agencies and authori-
2 ties; scope.

3 142. Fees; local agency account.

4 143. Judicial review.

5 144. Farmland protection working group.

6 § 136. Purpose. It is the purpose of this article to consolidate the
7 environmental review, permitting, and siting in this state of major
8 renewable energy facilities and major electric transmission facilities
9 subject to this article, and to provide ORES as a single forum for the
10 coordinated and timely review of such projects to meet the state's
11 renewable energy goals and ensure the reliability of the electric trans-
12 mission system, while also ensuring the protection of the environment
13 and consideration of all pertinent social, economic and environmental
14 factors in the decision to permit such projects as more specifically
15 provided in this article.

16 § 137. Definitions. Where used in this article, the following terms
17 shall have the following meanings:

18 1. "CLCPA targets" shall mean the public policies established in the
19 climate leadership and community protection act enacted in chapter one
20 hundred six of the laws of two thousand nineteen, including but not
21 limited to the requirement that a minimum of seventy percent of the
22 statewide electric generation be produced by renewable energy systems by
23 two thousand thirty, that by the year two thousand forty the statewide
24 electrical demand system will generate zero emissions, and the procure-
25 ment of at least nine gigawatts of offshore wind electricity generation
26 by two thousand thirty-five, six gigawatts of photovoltaic solar gener-
27 ation by two thousand twenty-five and to support three gigawatts of
28 statewide energy storage capacity by two thousand thirty.

29 2. "Dormant electric generating site" shall mean a site at which one
30 or more electric generating facilities produced electricity but has
31 permanently ceased operating.

32 3. "Major electric transmission facility" means an electric trans-
33 mission line of a design capacity of one hundred twenty-five kilovolts
34 or more extending a distance of one mile or more, or of one hundred
35 kilovolts or more and less than one hundred twenty-five kilovolts,
36 extending a distance of ten miles or more, including associated equip-
37 ment, but shall not include any such transmission line located wholly
38 underground in a city with a population in excess of one hundred twen-
39 ty-five thousand or a primary transmission line approved by the federal
40 energy regulatory commission in connection with a hydro-electric facili-
41 ty.

42 4. "Major renewable energy facility" means any renewable energy
43 system, as such term is defined in section sixty-six-p of this chap-
44 ter, with a nameplate generating capacity of twenty-five thousand kilo-
45 watts or more, and any co-located system storing energy generated from
46 such a renewable energy system prior to delivering it to the bulk
47 transmission system, including all associated appurtenances to electric
48 plants, including electric transmission facilities less than ten miles
49 in length in order to provide access to load and to integrate such
50 facilities into the state's bulk electric transmission system.

51 5. "Landowner" means the holder of any right, title, or interest in
52 real property subject to a proposed site or right of way as identified
53 from the most recent tax roll of the appropriate municipality.

54 6. "Local agency" means any local agency, board, district, commission
55 or governing body, including any city, county, and other political
56 subdivision of the state.

1 7. "Local agency account" or "account" shall mean the account estab-
2 lished pursuant to section one hundred forty-two of this section.

3 8. "Municipality" shall mean a county, city, town, or village.

4 9. "Right-of-way" shall mean:

5 (a) real property that is used or authorized to be used for electric
6 utility purposes; or

7 (b) real property owned or controlled by or under the jurisdiction of
8 the state, a distribution utility, or a state public authority including
9 by means of ownership, lease or easement, that is used or authorized to
10 be used for transportation or canal purposes.

11 10. "ORES" shall mean the office of renewable energy siting and elec-
12 tric transmission established pursuant to section three-c of this chap-
13 ter.

14 11. "Executive director" or "director" shall mean the executive direc-
15 tor of the office of renewable energy siting and electric transmission.

16 12. "Siting permit" shall mean the major renewable energy facility
17 siting permit or major electric transmission facility permit issued by
18 the executive director pursuant to this article, and the rules and regu-
19 lations promulgated by ORES.

20 § 138. General provisions related to establishing standards related to
21 siting. 1. (a) ORES shall be authorized to establish and amend a set of
22 uniform standards and conditions for the siting, design, construction
23 and operation of each type of major renewable energy facility subject to
24 this article relevant to issues that are common for particular classes
25 and categories of major renewable energy facilities, in consultation
26 with other offices within the department, the New York state energy
27 research and development authority, the department of environmental
28 conservation, the department of agriculture and markets, and other rele-
29 vant state agencies and authorities with subject matter expertise.

30 (b) The uniform standards and conditions established pursuant to this
31 subdivision shall be designed to avoid or minimize, to the maximum
32 extent practicable, any potential significant adverse environmental
33 impacts related to the siting, design, construction and operation of a
34 major renewable energy facility. Such uniform standards and conditions
35 shall apply to those environmental impacts ORES determines are common to
36 each type of major renewable energy facility.

37 (c) In its review of an application for a permit to develop a major-
38 renewable energy facility, ORES, in consultation with the department of
39 environmental conservation, shall identify those site-specific adverse
40 environmental impacts, if any, that may be caused or contributed to by a
41 specific proposed major renewable energy facility and are unable to be
42 addressed by the uniform standards and conditions. ORES shall draft in
43 consultation with the department of environmental conservation site-spe-
44 cific permit terms and conditions for such impacts, including provisions
45 for the avoidance or mitigation thereof, taking into account the CLCPA
46 targets and the environmental benefits of the proposed major renewable
47 energy facility; provided, however, that ORES shall require that the
48 application of uniform standards and conditions and site-specific condi-
49 tions shall achieve a net conservation benefit to any impacted endan-
50 gered and threatened species.

51 2. (a) Within eighteen months of the effective date of this section,
52 ORES shall, in consultation with other offices within the department,
53 the New York state energy research and development authority, the
54 department of environmental conservation, the department of agriculture
55 and markets, and other agencies with subject matter expertise, establish
56 a set of uniform standards and conditions for the siting, design,



1 construction, and operation of major electric transmission facilities
2 subject to this article relevant to issues that are common to such
3 projects.

4 (b) The uniform standards and conditions established pursuant to this
5 article shall be designed to avoid or minimize, to the maximum extent
6 practicable, any potential significant adverse environmental impacts
7 related to the siting, design, construction, and operation of a major
8 electric transmission facility. Such uniform standards and conditions
9 shall apply to those environmental impacts ORES determines are common to
10 electric transmission facilities.

11 (c) In its review of an application for a permit to develop a major
12 electric transmission facility, ORES, in consultation with the depart-
13 ment of environmental conservation, shall identify those adverse site-
14 specific environmental impacts, if any, that may be caused or contrib-
15 uted to by a specific proposed major electric transmission facility and
16 are unable to be addressed by the uniform standards and conditions. ORES
17 shall draft in consultation with the department of environmental conser-
18 vation site-specific permit terms and conditions for such impacts,
19 including provisions for the avoidance or mitigation thereof, taking
20 into account the CLCPA targets, the environmental benefits of, and
21 public need for the proposed major electric transmission facility;
22 provided, however, that ORES shall require that the application of
23 uniform standards and conditions and site-specific conditions shall
24 achieve a net conservation benefit to any impacted endangered and
25 threatened species.

26 (d) Upon the establishment of uniform standards and conditions
27 required by this section and the promulgation of regulations specifying
28 the content of an application for a siting permit for a major electric
29 transmission facility, an application for such siting permit for a major
30 electric transmission facility shall only be made pursuant to this arti-
31 cle.

32 3. To the extent that adverse environmental impacts are not completely
33 addressed by uniform standards and conditions and site-specific permit
34 conditions proposed by ORES, and ORES determines that mitigation of such
35 impacts may be achieved by off-site mitigation, ORES may require payment
36 of a fee by the applicant to achieve such off-site mitigation. If ORES
37 determines, in consultation with the department of environmental conser-
38 vation, that mitigation of impacts to endangered or threatened species
39 that achieves a net conservation benefit can be achieved by off-site
40 mitigation, the amount to be paid for such off-site mitigation shall be
41 set forth in the final siting permit. ORES may require payment of funds
42 sufficient to implement such off-site mitigation into the endangered and
43 threatened species mitigation fund established pursuant to section nine-
44 ty-nine-hh of the state finance law.

45 4. ORES shall identify the basis of the public need for a major elec-
46 tric transmission facility and shall grant permits to such projects that
47 demonstrate a qualified public need, so long as the adverse environ-
48 mental impacts of the facility are identified and addressed by the
49 uniform standards and conditions promulgated pursuant to this article
50 and any site-specific permit conditions applied to the facility, or
51 otherwise mitigated as provided in this article.

52 5. ORES, in consultation with the department, shall promulgate rules
53 and regulations with respect to all necessary requirements to implement
54 the siting permit program established in this article and promulgate
55 modifications to such rules and regulations as it deems necessary;
56 provided that ORES shall promulgate regulations requiring the service of

1 applications on affected municipalities and political subdivisions
2 simultaneously with submission of an application.

3 § 139. Applicability. 1. No person shall commence the preparation of a
4 site for, or begin the construction of, a major renewable energy facili-
5 ty in the state, or increase the capacity of an existing major renewable
6 energy facility, without having first obtained a siting permit pursuant
7 to this article. Except as provided in paragraph (d) of subdivision five
8 of this section, on and after eighteen months after the effective date
9 of this article, no person shall commence the preparation of a site for,
10 or begin construction of, a major electric transmission facility in the
11 state without having first obtained a siting permit issued with respect
12 to such facility pursuant to this article. Any major renewable energy
13 facility or major electric transmission facility subject to this article
14 with respect to which a siting permit is issued shall not thereafter be
15 built, maintained, or operated except in conformity with such siting
16 permit and any terms, limitations, or conditions contained therein,
17 provided that nothing in this subdivision shall exempt such facility
18 from compliance with federal laws and regulations.

19 2. A siting permit issued by ORES may be transferred or assigned,
20 subject to the prior written approval of the office, to a person that
21 agrees to comply with the terms, limitations and conditions contained in
22 such siting permit.

23 3. ORES or a permittee may initiate an amendment to a siting permit
24 under this section. An amendment initiated by ORES or permittee that is
25 likely to result in any material increase in any adverse environmental
26 impact or involves a substantial change to the terms or conditions of a
27 siting permit shall comply with the public notice and hearing require-
28 ments of this section.

29 4. Any hearings or dispute resolution proceedings initiated under this
30 section or pursuant to rules or regulations promulgated pursuant to this
31 section may be conducted by the executive director of ORES or any person
32 to whom the executive director shall delegate the power and authority to
33 conduct such hearings or proceedings in the name of ORES at any time and
34 place.

35 5. This section shall not apply:

36 (a) to any major electric transmission facility over which any agency
37 or department of the federal government has exclusive jurisdiction, or
38 has jurisdiction concurrent with that of the state and has exercised
39 such jurisdiction, to the exclusion of regulation of the facility by the
40 state; provided, however, nothing herein shall be construed to expand
41 federal jurisdiction;

42 (b) to normal repairs, maintenance, replacements, non-material modifi-
43 cations and improvements of a major renewable energy facility or major
44 electric transmission facility subject to this article, whenever built,
45 which are performed in the ordinary course of business and which do not
46 constitute a violation of any applicable existing permit;

47 (c) to a major renewable energy facility if, on or before the effec-
48 tive date of this article, an application has been made or granted for a
49 license, permit, certificate, consent or approval from any federal,
50 state or local commission, agency, board or regulatory body; and

51 (d) to a major electric transmission facility for which an application
52 pursuant to article seven of this chapter and its implementing regu-
53 lations is submitted on or before the establishment of the uniform stan-
54 dards and conditions required pursuant to subdivision two of section one
55 hundred thirty-eight of this article.

1 6. After the effective date of this article, any person intending to
2 construct a major electric transmission facility excluded from this
3 section pursuant to paragraph (d) of subdivision five of this section
4 may elect to become subject to the provisions of this section by filing
5 an application for a siting permit pursuant to the regulations of ORES
6 governing such applications.

7 § 140. Application and notice. 1. (a) Notwithstanding any law to the
8 contrary, ORES shall, within sixty days of its receipt of an application
9 for a siting permit with respect to a major renewable energy facility
10 subject to this article determine whether the application is complete
11 and notify the applicant of its determination. If ORES does not deem the
12 application complete, ORES shall set forth in writing delivered to the
13 applicant the reasons why it has determined the application to be incom-
14 plete. If ORES fails to make a determination within the foregoing
15 sixty-day time period, the application shall be deemed complete;
16 provided, however, that the applicant may consent to an extension of the
17 sixty-day time period for determining application completeness.
18 Provided, further, that no application may be complete without proof of
19 consultation with the municipality or political subdivision where the
20 project is proposed to be located, or an agency thereof, prior to
21 submission of an application to ORES, related to procedural and substan-
22 tive requirements of local law.

23 (b) No later than sixty days following the date upon which an applica-
24 tion has been deemed complete, and following consultation with any rele-
25 vant state agency or authority, ORES shall publish for public comment
26 draft permit conditions prepared by the office, which comment period
27 shall be for a minimum of sixty days from public notice thereof, or
28 notice of intent to deny with reasons thereof. Such public notice shall
29 include, but shall not be limited to: (i) written notice to the munici-
30 palities or political subdivisions in which such project is proposed to
31 be located; (ii) publication in a newspaper or in electronic form,
32 having general circulation in such municipalities or political subdivi-
33 sions; and (iii) posting the notice on the office's and the department's
34 website.

35 (c) For any municipality, political subdivision or an agency thereof
36 that has received notice of the filing of an application, pursuant to
37 regulations promulgated in accordance with this article, the munici-
38 pality or political subdivision or agency thereof shall within the time-
39 frames established by this subdivision submit a statement to ORES indi-
40 cating whether the proposed project is designed to be sited, constructed
41 and operated in compliance with applicable local laws and regulations,
42 if any, concerning the environment, or public health and safety. In the
43 event that a municipality, political subdivision or an agency thereof
44 submits a statement to ORES that the proposed project is not designed to
45 be sited, constructed or operated in compliance with local laws and
46 regulations and ORES determines not to hold an adjudicatory hearing on
47 the application, ORES shall hold a non-adjudicatory public hearing in or
48 near one or more of the affected municipalities or political subdivi-
49 sions.

50 2. (a) Notwithstanding any law to the contrary, ORES shall, within one
51 hundred twenty days after its receipt of an application for a siting
52 permit with respect to a major electric transmission facility, determine
53 whether the application is complete and notify the applicant of its
54 determination. If ORES does not deem the application complete, it shall
55 set forth in writing delivered to the applicant the reasons why it has
56 determined the application to be incomplete. If ORES fails to make a

1 determination within the foregoing one hundred twenty day time period,
2 the application shall be deemed complete; provided, however, that the
3 applicant may consent to an extension of the one hundred twenty day time
4 period for determining application completeness. Provided, further,
5 that no application may be complete without proof of consultation with
6 the municipality or political subdivision where the project is proposed
7 to be located, or an agency thereof, prior to submission of an applica-
8 tion to ORES, related to procedural and substantive requirements of
9 local law.

10 (b) In addition to addressing uniform standards and conditions, the
11 application for a siting permit with respect to a major electric trans-
12 mission facility shall include, in such form as ORES may prescribe, the
13 following information: (i) the location of the site or right-of-way;
14 (ii) a description of the transmission facility to be built thereon;
15 (iii) a summary of any studies which have been made of the environmental
16 impact of the project, and a description of such studies; (iv) a state-
17 ment explaining the public need for the facility; (v) copies of any
18 studies of the electrical performance and system impacts of the facility
19 performed by the state grid operator pursuant to its tariff; and (vi)
20 such other information as the applicant may consider relevant or ORES
21 may by regulation require.

22 (c) To the greatest extent practicable, each landowner of land on
23 which any portion of such proposed facility is to be located shall be
24 served by first class mail with a notice that such landowner's property
25 may be impacted by a project and an explanation of how to file with ORES
26 a notice of intent to be a party in the permit application proceedings
27 and the timeframe for filing such application.

28 (d) No later than sixty days following the date upon which an applica-
29 tion has been deemed complete, and following consultation with any rele-
30 vant state agency or authority, ORES shall publish for public comment
31 draft permit conditions prepared by the office, which comment period
32 shall be for a minimum of sixty days from public notice thereof. Such
33 public notice shall include, but shall not be limited to: (i) written
34 notice to the municipalities and political subdivisions, in which the
35 major electric utility transmission is proposed to be located and to
36 landowners notified of the application pursuant to paragraph (c) of this
37 subdivision; (ii) publication in a newspaper or in electronic form,
38 having general circulation in such municipalities or political subdivi-
39 sions; and (iii) posting on the office's and the department's website.

40 3. For any municipality, political subdivision or an agency thereof
41 that has received notice of the filing of an application, pursuant to
42 regulations promulgated in accordance with this section or otherwise in
43 effect on the effective date of this article, the municipality or poli-
44 tical subdivision or agency thereof shall within the timeframes estab-
45 lished by this act submit a statement to ORES indicating whether the
46 proposed facility is designed to be sited, constructed and operated in
47 compliance with applicable local laws and regulations, if any, concern-
48 ing the environment, or public health and safety. In the event that a
49 municipality, political subdivision or an agency thereof submits a
50 statement to ORES that the proposed facility is not designed to be
51 sited, constructed or operated in compliance with local laws and regu-
52 lations and ORES determines not to hold an adjudicatory hearing on the
53 application, ORES shall hold a non-adjudicatory public hearing in the
54 affected municipality or political subdivision.

55 4. If public comments on a draft permit condition published by ORES
56 pursuant to this section, including comments provided by a municipality

1 or political subdivision or agency thereof, landowners, or members of
2 the public, raise a substantive and significant issue, as defined in
3 regulations adopted pursuant to this article, that requires adjudi-
4 cation, ORES shall promptly fix a date for an adjudicatory hearing to
5 hear arguments and consider evidence with respect thereto; provided,
6 however, that with respect to an application for a siting permit for a
7 major electric transmission facility, any portion of which is to be
8 located on the land of a landowner for which the applicant lacks a
9 right-of-way agreement, ORES shall provide such landowner with an oppor-
10 tunity to challenge the explanation for the public need given in such
11 application.

12 5. Following the expiration of the public comment period set forth in
13 this section, and following the conclusion of a hearing undertaken
14 pursuant to subdivision four of this section, ORES shall, in the case of
15 a public comment period, issue a written summary of public comments and
16 an assessment of comments received, and in the case of an adjudicatory
17 hearing, the executive officer or any person to whom the executive
18 director has delegated such authority shall issue a final written hear-
19 ing report. A final siting permit may only be issued if ORES makes a
20 finding that the proposed project, together with any applicable uniform
21 and site-specific standards and conditions, would comply with applicable
22 laws and regulations. In making a final siting permit determination with
23 respect to a major renewable energy facility or a major electric trans-
24 mission facility, ORES may elect not to apply, in whole or in part, any
25 local law or ordinance that would otherwise be applicable if it makes a
26 finding that, as applied to the proposed facility, it is unreasonably
27 burdensome in view of the CLCPA targets, the environmental benefits, and
28 in the case of a transmission facility, the public need for the proposed
29 project.

30 6. Notwithstanding any other deadline made applicable by this section,
31 ORES shall make a final decision on a siting permit within one year from
32 the date the application was deemed complete, or within six months from
33 the date the application was deemed complete if such application relates
34 to a major renewable energy facility that is proposed to be sited on an
35 existing or abandoned commercial use, including without limitation,
36 brownfields, landfills, former commercial or industrial sites, dormant
37 electric generating sites, and abandoned or otherwise underutilized
38 sites, as further defined by the regulations promulgated by or in effect
39 under this article. Unless ORES and the applicant have agreed to an
40 extension and if a final siting permit decision has not been made by
41 ORES within such time period, then such siting permit shall be deemed to
42 have been automatically granted for all purposes set forth in this arti-
43 cle and all uniform conditions or site specific permit conditions issued
44 for public comment shall constitute enforceable provisions of the siting
45 permit; provided, however, that with respect to a final siting permit
46 decision related to a major electric transmission facility, any portion
47 of which is to be located on the land of a landowner for which the
48 applicant lacks an existing right-of-way agreement, no such permit may
49 be automatically granted. The final siting permit related to a major
50 renewable energy facility shall include a provision requiring the
51 permittee to provide a host community benefit, which may be a host
52 community benefit as determined by the commission pursuant to section
53 eight of part JJJ of chapter fifty-eight of the laws of two thousand
54 twenty or such other project as determined by ORES or as subsequently
55 agreed to between the applicant and the host community.

1 7. ORES, in consultation with the department, may exempt from the
2 requirements of this article applications for a major electric trans-
3 mission facility that would be constructed substantially within existing
4 rights-of-way.

5 § 141. Powers of municipalities and state agencies and authorities;
6 scope. 1. Notwithstanding any other provision of law, including without
7 limitation article eight of the environmental conservation law and arti-
8 cle seven of this chapter, no other state agency, department or authori-
9 ty, or any municipality or political subdivision or any agency thereof
10 may, except as expressly authorized under this article or the rules and
11 regulations promulgated under this article, require any approval,
12 consent, permit, certificate, contract, agreement, or other condition
13 for the development, design, construction, operation, or decommissioning
14 of a major renewable energy facility or a major electric transmission
15 facility with respect to which an application for a siting permit has
16 been filed, provided in the case of a municipality, political subdivi-
17 sion or an agency thereof, such entity has received notice of the filing
18 of the application therefor. Notwithstanding the foregoing, the depart-
19 ment of environmental conservation shall be the permitting agency for
20 permits issued pursuant to federally delegated or federally approved
21 programs.

22 2. This section shall not impair or abrogate any federal, state or
23 local labor laws or any otherwise applicable state law for the
24 protection of employees engaged in the construction and operation of a
25 major renewable energy facility or major electric transmission facility.

26 3. ORES and the department shall monitor, enforce and administer
27 compliance with any terms and conditions set forth in a siting permit
28 issued pursuant to this article and in doing so may use and rely on
29 authority otherwise available under this chapter.

30 § 142. Fees; local agency account. 1. Each application for a siting
31 permit shall be accompanied by a fee in an amount equal to the follow-
32 ing:

33 (a) for a major renewable energy facility, one thousand dollars for
34 each thousand kilowatts of capacity of the proposed major renewable
35 energy facility;

36 (b) for a major electric transmission facility of one hundred twenty-
37 five kilovolts or more extending a distance of over one hundred miles,
38 four hundred fifty thousand dollars;

39 (c) for a major electric transmission facility of one hundred twenty-
40 five kilovolts or more extending a distance of over fifty miles to one
41 hundred miles, three hundred fifty thousand dollars;

42 (d) for a major electric transmission facility requiring a new right-
43 of-way and one hundred twenty-five kilovolts or more extending a
44 distance of ten miles to fifty miles, one hundred thousand dollars; and

45 (e) for a major electric transmission facility utilizing an existing
46 right-of-way and one hundred twenty-five kilovolts or more extending a
47 distance of ten miles to fifty miles, fifty thousand dollars.

48 2. Such fee is to be deposited in an account to be known as the local
49 agency account established for the benefit of local agencies and commu-
50 nity intervenors by the New York state energy research and development
51 authority and maintained in a segregated account in the custody of the
52 commissioner of taxation and finance. ORES, in consultation with the
53 department, may update the fee periodically solely to account for
54 inflation. The proceeds of such account shall be disbursed by the
55 office, in accordance with eligibility and procedures established by the
56 rules and regulations promulgated by ORES or the department pursuant to

1 this article or in effect as of the effective date of this article, for
2 the participation of local agencies and community intervenors in public
3 comment periods or hearing procedures established by this article,
4 including the rules and regulations promulgated hereto; provided that
5 fees must be disbursed for municipalities, political subdivisions or an
6 agency thereof, to determine whether a proposed project is designed to
7 be sited, constructed and operated in compliance with the applicable
8 local laws and regulations.

9 3. All funds so held by the New York state energy research and devel-
10 opment authority shall be subject to an annual independent audit as part
11 of such authority's audited financial statements, and such authority
12 shall prepare an annual report summarizing account balances and activ-
13 ities for each fiscal year ending March thirty-first and provide such
14 report to the office no later than ninety days after commencement of
15 such fiscal year and post on the authority's website.

16 4. To the extent an applicant submitted intervenor funds pursuant to
17 articles seven or ten of this chapter and has now filed an application
18 for a siting permit pursuant to this article, any amounts held in an
19 intervenor account established pursuant to articles seven and ten of
20 this chapter for that project shall be applied to the intervenor account
21 established by this section.

22 5. In addition to the fees established pursuant to this section, ORES
23 or the department, pursuant to regulations adopted pursuant to this
24 article, may assess a fee for the purpose of recovering costs incurred
25 by the office; provided, however, that public utilities that are subject
26 to section eighteen-a of this chapter shall not be assessed a fee for
27 such costs.

28 6. In addition to the fees established pursuant to this section, ORES
29 or the department, pursuant to regulations adopted pursuant to this
30 article, may assess a fee for the purpose of recovering costs incurred
31 by the New York state energy research and development authority
32 pursuant to title nine-C of article eight of the public authorities
33 law; provided, however, that public utilities that are subject to
34 section eighteen-a of this chapter shall not be assessed a fee for such
35 costs.

36 § 143. Judicial review. 1. Any party aggrieved by the issuance or
37 denial of a siting permit under this article may seek judicial review of
38 such decision as provided in this section.

39 2. A judicial proceeding shall be brought in the third department of
40 the appellate division of the supreme court of the state of New York.
41 Such proceeding shall be initiated by the filing of a petition in such
42 court within ninety days after the issuance of a final decision by ORES
43 together with proof of service of a demand on ORES to file with said
44 court a copy of a written transcript of the record of the proceeding and
45 a copy of ORES's decision and opinion. ORES's copy of said transcript,
46 decision and opinion, shall be available at all reasonable times to all
47 parties for examination without cost. Upon receipt of such petition and
48 demand ORES shall forthwith deliver to the court a copy of the record
49 and a copy of ORES's decision and opinion. Thereupon, the court shall
50 have jurisdiction of the proceeding and shall have the power to grant
51 such relief as it deems just and proper, and to make and enter an order
52 enforcing, modifying and enforcing as so modified, remanding for further
53 specific evidence or findings or setting aside in whole or in part such
54 decision. The appeal shall be heard on the record, without requirement
55 of reproduction, and upon briefs to the court. The findings of fact on
56 which such decision is based shall be conclusive if supported by

1 substantial evidence on the record considered as a whole and matters of
2 judicial notice set forth in the opinion. The jurisdiction of the appel-
3 late division of the supreme court shall be exclusive and its judgment
4 and order shall be final, subject to review by the court of appeals in
5 the same manner and form and with the same effect as provided for
6 appeals in a special proceeding. All such proceedings shall be heard and
7 determined by the appellate division of the supreme court and by the
8 court of appeals as expeditiously as possible and with lawful precedence
9 over all other matters.

10 3. The grounds for and scope of review of the court shall be limited
11 to whether the decision and opinion of ORES are:

12 (a) In conformity with the constitution, laws and regulations of the
13 state and the United States;

14 (b) Supported by substantial evidence in the record and matters of
15 judicial notice properly considered and applied in the opinion;

16 (c) Within the statutory jurisdiction or authority of ORES and the
17 department;

18 (d) Made in accordance with procedures set forth in this section or
19 established by rule or regulation pursuant to this article;

20 (e) Arbitrary, capricious or an abuse of discretion; or

21 (f) Made pursuant to a process that afforded meaningful involvement of
22 citizens affected by the facility or project regardless of age, race,
23 color, national origin and income.

24 4. Except as herein provided article seventy-eight of the civil prac-
25 tice law and rules shall apply to appeals taken hereunder.

26 § 144. Farmland protection working group. 1. There is hereby created
27 in the executive department a farmland protection working group consist-
28 ing of appropriate stakeholders, including but not limited to:

29 (a) the commissioner of the department of agriculture and markets;

30 (b) the commissioner of the department of environmental conservation;

31 (c) the executive director of ORES;

32 (d) the chief executive officer of the department of public service;

33 (e) the president of the New York state energy research and develop-
34 ment authority;

35 (f) local government officials or representatives from municipal
36 organizations representing towns, villages, and counties; and

37 (g) representatives from at least two county agricultural and farmland
38 protection boards.

39 2. The working group shall, no later than one year after the effective
40 date of this section, recommend strategies to encourage and facilitate
41 input from municipalities in the siting process and to develop recommen-
42 dations that include approaches to recognize the value of viable agri-
43 cultural land and methods to minimize adverse impacts to any such land
44 resulting from the siting of major renewable energy facilities.

45 3. The working group, on call of the commissioner of the department of
46 agriculture and markets, shall meet at least three times each year and
47 at such other times as may be necessary.

48 § 12. The public service law is amended by adding a new section 174 to
49 read as follows:

50 § 174. Major steam electric generating facilities certificates. Any
51 certificate of environmental compatibility and public need issued to a
52 major steam electric generating facility under the former article eight
53 of this chapter shall be treated for purposes of compliance and enforce-
54 ment as if such certificate was issued under article ten of this chap-
55 ter.

1 § 13. Subdivision (B) of section 206 of the eminent domain procedure
2 law is amended to read as follows:

3 (B) pursuant to article VII [or article VIII] of the public service
4 law it obtained a certificate of environmental compatibility and public
5 need or pursuant to article VIII of the public service law it obtained a
6 siting permit with respect to a major electric transmission facility or;

7 § 14. Subparagraph (g) of paragraph 3 of subdivision (B) of section
8 402 of the eminent domain procedure law is amended to read as follows:

9 (g) if the property is to be used for the construction of a major
10 utility transmission facility, as defined in section one hundred twenty
11 of the public service law[, or major steam electric generating facility
12 as defined in section one hundred forty of such law] with respect to
13 which a certificate of environmental compatibility and public need has
14 been issued under such law, a statement that such certificate relating
15 to such property has been issued and is in force, or if the property is
16 to be used for the construction of a major electric transmission facil-
17 ity, as defined under article eight of the public service law, with
18 respect to which a siting permit has been issued under such law, a
19 statement that such permit relating to such property has been issued and
20 is in force.

21 § 15. Subdivision 7 of section 6-106 of the energy law, as added by
22 chapter 433 of the laws of 2009, is amended to read as follows:

23 7. Any person who participated in the state energy planning proceeding
24 or any person who sought an amendment of the state energy plan pursuant
25 to subdivision six of this section, may obtain, pursuant to article
26 seventy-eight of the civil practice law and rules, judicial review of
27 the board's decision adopting a plan, or any amendment thereto, or of
28 the board's decision not to amend such plan pursuant to subdivision six
29 of this section. Any such special proceeding shall be brought in the
30 appellate division of the supreme court of the state of New York for the
31 third judicial department. Such proceeding shall be initiated by the
32 filing of a petition in such court within thirty days after the issuance
33 of a decision by the board. The proceeding shall have a lawful prefer-
34 ence over any other matter, shall be heard on an expedited basis and
35 shall be completed in all respects, including any subsequent appeal,
36 within one hundred eighty days of the filing of the petition. Where more
37 than one such petition is filed, the court may provide for consolidation
38 of the proceedings. Notwithstanding the provisions of [article] articles
39 seven and eight of the public service law, the procedure set forth in
40 this section shall constitute the exclusive means for seeking judicial
41 review of any element of the plan.

42 § 16. Paragraph (b) of subdivision 5 of section 8-0111 of the environ-
43 mental conservation law, as amended by section 1 of part BBB of chapter
44 55 of the laws of 2021, is amended to read as follows:

45 (b) Actions subject to the provisions requiring a certificate of envi-
46 ronmental compatibility and public need in articles seven[,] and ten
47 [and the former article eight] of the public service law or requiring a
48 siting permit under [section ninety-four-c of the executive law] article
49 eight of the public service law; or

50 § 17. Paragraph (d) of subdivision 2 of section 49-0307 of the envi-
51 ronmental conservation law, as added by chapter 292 of the laws of 1984,
52 is amended to read as follows:

53 (d) where land subject to a conservation easement or an interest in
54 such land is required for a major utility transmission facility which
55 has received a certificate of environmental compatibility and public
56 need pursuant to article seven of the public service law [or is required

1 for a major steam electric generating facility which has received a
2 certificate of environmental compatibility and public need pursuant to
3 article eight of the public service law] or a major electric trans-
4 mission facility which has received a siting permit pursuant to article
5 eight of the public service law, upon the filing of such certificate or
6 permit in a manner prescribed for recording a conveyance of real proper-
7 ty pursuant to section two hundred ninety-one of the real property law
8 or any other applicable provision of law.

9 § 18. Paragraph (e) of subdivision 3 of section 49-0307 of the envi-
10 ronmental conservation law, as amended by chapter 388 of the laws of
11 2011, is amended to read as follows:

12 (e) where land subject to a conservation easement or an interest in
13 such land is required for a major utility transmission facility which
14 has received a certificate of environmental compatibility and public
15 need pursuant to article seven of the public service law [or is required
16 for a major steam electric generating facility which has received a
17 certificate of environmental compatibility and public need pursuant to
18 the former article eight of the public service law], a major electric
19 transmission facility which has received a siting permit pursuant to
20 article eight of the public service law, or a major electric generating
21 facility or repowering project which has received a certificate of envi-
22 ronmental compatibility and public need pursuant to article ten of the
23 public service law, upon the filing of such certificate or permit in a
24 manner prescribed for recording a conveyance of real property pursuant
25 to section two hundred ninety-one of the real property law or any other
26 applicable provision of law, provided that such certificate or permit
27 contains a finding that the public interest in the conservation and
28 protection of the natural resources, open spaces and scenic beauty of
29 the Adirondack or Catskill parks has been considered.

30 § 19. Paragraph (p) of subdivision 27-a of section 1005 of the public
31 authorities law, as added by section 1 of part QQ of chapter 56 of the
32 laws of 2023, is amended to read as follows:

33 (p) Nothing in this subdivision or subdivision twenty-seven-b of this
34 section, shall be construed as exempting the authority, its subsid-
35 iaries, or any renewable energy generating projects undertaken pursuant
36 to this section from the requirements of [section ninety-four-c of the
37 executive law] article eight of the public service law respecting any
38 renewable energy system developed by the authority or an authority
39 subsidiary after the effective date of this subdivision that meets the
40 definition of "major renewable energy facility" as defined in [section
41 ninety-four-c of the executive law and section eight of part JJJ of
42 chapter fifty-eight of the laws of two thousand twenty] article eight of
43 the public service law, as it relates to host community benefits, and
44 section 11-0535-c of the environmental conservation law as it relates to
45 an endangered and threatened species mitigation bank fund.

46 § 20. Section 1014 of the public authorities law, as amended by chap-
47 ter 388 of the laws of 2011, is amended to read as follows:

48 § 1014. Public service law not applicable to authority; inconsistent
49 provisions in other acts superseded. The rates, services and practices
50 relating to the generation, transmission, distribution and sale by the
51 authority, of power to be generated from the projects authorized by this
52 title shall not be subject to the provisions of the public service law
53 nor to regulation by, nor the jurisdiction of the department of public
54 service. Except to the extent article seven of the public service law
55 applies to the siting and operation of a major utility transmission
56 facility as defined therein, article eight of the public service law

1 applies to the siting and operation of a major electric transmission
2 facility as defined therein, and article ten of the public service law
3 applies to the siting of a major electric generating facility as defined
4 therein, and except to the extent section eighteen-a of the public
5 service law provides for assessment of the authority for certain costs
6 relating thereto, the provisions of the public service law and of the
7 environmental conservation law and every other law relating to the
8 department of public service or the public service commission or to the
9 environmental conservation department or to the functions, powers or
10 duties assigned to the division of water power and control by chapter
11 six hundred nineteen of the laws of nineteen hundred twenty-six, shall
12 so far as is necessary to make this title effective in accordance with
13 its terms and purposes be deemed to be superseded, and wherever any
14 provision of law shall be found in conflict with the provisions of this
15 title or inconsistent with the purposes thereof, it shall be deemed to
16 be superseded, modified or repealed as the case may require.

17 § 21. Subdivision 1 of section 1020-s of the public authorities law,
18 as amended by chapter 681 of the laws of 2021, is amended to read as
19 follows:

20 1. The rates, services and practices relating to the electricity
21 generated by facilities owned or operated by the authority shall not be
22 subject to the provisions of the public service law or to regulation by,
23 or the jurisdiction of, the public service commission, except to the
24 extent (a) article seven of the public service law applies to the siting
25 and operation of a major utility transmission facility as defined there-
26 in, (b) article eight of the public service law applies to the siting
27 and operation of a major electric transmission facility as defined ther-
28 ein, (c) article ten of such law applies to the siting of a generating
29 facility as defined therein, [(c)] (d) section eighteen-a of such law
30 provides for assessment for certain costs, property or operations, [(d)]
31 (e) to the extent that the department of public service reviews and
32 makes recommendations with respect to the operations and provision of
33 services of, and rates and budgets established by, the authority pursu-
34 ant to section three-b of such law, [(e)] (f) that section seventy-four
35 of the public service law applies to qualified energy storage systems
36 within the authority's jurisdiction, and [(f)] (g) that section seven-
37 ty-four-b of the public service law applies to Long Island community
38 choice aggregation programs.

39 § 22. Paragraph (b) of subdivision 1 of section 1020-ii of the public
40 authorities law, as amended by chapter 201 of the laws of 2019, is
41 amended to read as follows:

42 (b) "utility transmission facility" means any electric transmission
43 line operating at sixty-five kilovolts or higher in the service area,
44 including associated equipment. It shall not include any transmission
45 line which is an in-kind replacement or which is located wholly under-
46 ground. This section also shall not apply to any major [utility] elec-
47 tric transmission facility subject to the jurisdiction of article seven
48 of the public service law; and

49 § 23. Paragraph c of subdivision 8 of section 1020-c of the public
50 authorities law, as amended by chapter 388 of the laws of 2011, is
51 amended to read as follows:

52 c. Article [seven] eight of the public service law shall apply to the
53 authority's siting and operation of a major electric transmission facil-
54 ity as therein defined and article ten of the public service law shall
55 apply to the authority's siting and operation of a major electric gener-
56 ating facility as therein defined.

1 § 24. Subdivision 4 of section 18-a of the public service law, as
2 amended by chapter 447 of the laws of 1972, is amended to read as
3 follows:

4 4. In the case of the power authority of the state of New York, the
5 [chairman] chairperson of the department shall ascertain from time to
6 time, but not less than once in each fiscal year, all direct and indi-
7 rect costs of investigating requests by the power authority of the state
8 of New York to establish new, major [utility] electric transmission
9 facilities [as defined in article seven of this chapter] and major
10 renewable energy facilities or to establish new, major [steam] electric
11 generating facilities [as defined in article eight of this chapter]. The
12 [chairman] chairperson shall for each such investigation assess such
13 costs against the power authority of the state of New York. Bills for
14 such an investigation may be rendered from time to time, but not less
15 than once in each fiscal year, and the amount of such bills shall be
16 paid by the power authority of the state of New York to the department
17 within thirty days from the date of rendition.

18 § 25. Subdivision 2 of section 160 of the public service law, as added
19 by chapter 388 of the laws of 2011, is amended to read as follows:

20 2. "Major electric generating facility" means an electric generating
21 facility with a nameplate generating capacity of twenty-five thousand
22 kilowatts or more, including interconnection electric transmission lines
23 that are not subject to review under article eight of this chapter and
24 fuel gas transmission lines that are not subject to review under article
25 seven of this chapter.

26 § 26. Paragraph (e) of subdivision 4 of section 162 of the public
27 service law, as added by section 3 of part JJJ of chapter 58 of the laws
28 of 2020, is amended to read as follows:

29 (e) To a major renewable energy facility as such term is defined in
30 [section ninety-four-c of the executive law] section eight of this chap-
31 ter; provided, however, that any person intending to construct a major
32 renewable energy facility, that has a draft pre-application public
33 involvement program plan pursuant to section one hundred sixty-three of
34 this article and the regulations implementing this article, which is
35 pending with the siting board as of the effective date of this paragraph
36 may remain subject to the provisions of this article or, may, by written
37 notice to the secretary of the commission, elect to become subject to
38 the provisions of [section ninety-four-c of the executive law] article
39 eight of this chapter.

40 § 27. Subdivision 3 of section 11-103 of the energy law, as amended by
41 chapter 374 of the laws of 2022, is amended to read as follows:

42 3. Notwithstanding any other provision of law, the state fire
43 prevention and building code council in accordance with the mandate
44 under this article shall have exclusive authority among state agencies
45 to promulgate a construction code incorporating energy conservation
46 features and clean energy features applicable to the construction of any
47 building, including but not limited to greenhouse gas reduction. Any
48 other code, rule or regulation heretofore promulgated or enacted by any
49 other state agency, incorporating specific energy conservation and clean
50 energy requirements applicable to the construction of any building,
51 shall be superseded by the code promulgated pursuant to this section.
52 Notwithstanding the foregoing, nothing in this section shall be deemed
53 to expand the powers of the council to include matters that are exclu-
54 sively within the statutory jurisdiction of the public service commis-
55 sion, the department of environmental conservation, [the office of
56 renewable energy siting] or another state entity.

1 § 28. Paragraph (d) of subdivision 27-a of section 1005 of the public
2 authorities law, as added by section 1 of part QQ of chapter 56 of the
3 laws of 2023, is amended to read as follows:

4 (d) No later than one hundred eighty days after the effective date of
5 this subdivision, and annually thereafter, the authority shall confer
6 with the New York state energy research and development authority, [the
7 office of renewable energy siting,] the department of public service,
8 climate and resiliency experts, labor organizations, and environmental
9 justice and community organizations concerning the state's progress on
10 meeting the renewable energy goals established by the climate leadership
11 and community protection act. When exercising the authority provided for
12 in paragraph (a) of this subdivision, the information developed through
13 such conferral shall be used to identify projects to help ensure that
14 the state meets its goals under the climate leadership and community
15 protection act. Any conferral provided for in this paragraph shall
16 include consideration of the timing of projects in the interconnection
17 queue of the federally designated electric bulk system operator for New
18 York state, taking into account both capacity factors or planned
19 projects and the interconnection queue's historical completion rate. A
20 report on the information developed through such conferral shall be
21 published and made accessible on the website of the authority.

22 § 29. Subparagraph (i) of paragraph (e) of subdivision 27-a of section
23 1005 of the public authorities law, as added by section 1 of part QQ of
24 chapter 56 of the laws of 2023, is amended to read as follows:

25 (i) Beginning in two thousand twenty-five, and biennially thereafter
26 until two thousand thirty-three, the authority, in consultation with the
27 New York state energy research and development authority, [the office of
28 renewable energy siting,] the department of public service, and the
29 federally designated electric bulk system operator for New York state,
30 shall develop and publish biennially a renewable energy generation stra-
31 tegic plan ("strategic plan") that identifies the renewable energy
32 generating priorities based on the provisions of paragraph (a) of this
33 subdivision for the two-year period covered by the plan as further
34 provided for in this paragraph.

35 § 30. Subdivision 1 of section 7208 of the education law, as amended
36 by section 15 of part A of chapter 173 of the laws of 2013, is amended
37 to read as follows:

38 1. The practice of engineering or land surveying, or using the title
39 "engineer" or "surveyor" (i) exclusively as an officer or employee of a
40 public service corporation by rendering to such corporation such
41 services in connection with its lines and property which are subject to
42 supervision with respect to the safety and security thereof by the
43 public service commission of this state, the interstate commerce commis-
44 sion or other federal regulatory body and so long as such person is thus
45 actually and exclusively employed and no longer[, or]; (ii) exclusively
46 as an officer or employee of the Long Island power authority or its
47 service provider, as defined under section three-b of the public service
48 law, by rendering to such authority or provider such services in
49 connection with its lines and property which are located in such author-
50 ity's service area and so long as such person is thus actually and
51 exclusively employed and no longer; or (iii) exclusively as an officer
52 or employee of the department of public service by rendering to such
53 department such services in connection with reviewing the design,
54 construction and operation of utility infrastructure and so long as such
55 person is thus actually and exclusively employed and no longer;



1 § 31. The public service commission shall commence a proceeding within
2 ninety days of the effective date of this act to consider metrics
3 related to the timely interconnection of distributed generation
4 resources into the distribution system owned by an electric corporation,
5 as well as negative revenue adjustments related to such metrics.

6 § 32. This act shall take effect immediately; provided that the amend-
7 ments to paragraph (e) of subdivision 4 of section 162 of the public
8 service law made by section twenty-six of this act shall not affect the
9 repeal of such paragraph and shall be deemed repealed therewith.

10

PART P

11 Section 1. Short title. This act shall be known and may be cited as
12 the "affordable gas transition act".

13 § 2. Legislative findings. The legislature finds and declares that:

14 1. The public service law (the "PSL") establishes the public service
15 commission ("commission") and department of public service ("depart-
16 ment") and charges them to ensure that New York residents have safe and
17 reliable access to energy at rates that are just and reasonable. These
18 bedrock principles have persisted and guided commission decisions even
19 as policy priorities and the technologies relied upon by regulated util-
20 ities and their customers have changed.

21 2. The climate leadership and community protection act (the "CLCPA")
22 requires significant greenhouse gas emission reductions from all sectors
23 of New York's economy and directs state agencies and authorities to
24 prioritize equity for the communities and workers most directly affected
25 as they pursue those reductions.

26 3. Buildings account for approximately one-third of the greenhouse gas
27 emissions in New York state and produce local air pollution, with
28 significant adverse health impacts. Reducing the greenhouse gas emis-
29 sions and local air pollution emitted from New York's buildings, espe-
30 cially in disadvantaged communities, is necessary to comply with the
31 CLCPA.

32 4. Consumers' growing adoption of new electric technologies for space
33 heating, water heating, cooking, and other functions will increasingly
34 require responsive changes on the part of electric and gas corporations.
35 The trend toward electrification is expected to eventually pose a funda-
36 mental challenge to gas corporations' longstanding business model and,
37 in particular, make it difficult for gas corporations to recover the
38 full costs of their extensive infrastructure networks from consumers.

39 5. To enable the commission to plan effectively for a changing legal
40 and technological landscape, New York must update how it regulates the
41 service provided by gas corporations. Appropriate statutory updates will
42 enable alignment between energy infrastructure investments, changing
43 technological options and consumer preferences, and the two thousand
44 thirty and two thousand fifty greenhouse gas emission reduction mandates
45 in article seventy-five of the environmental conservation law. Without
46 such updates, it will become increasingly difficult to ensure all New
47 Yorkers have access to the energy they need for heating, cooling, and
48 powering the buildings in which they live and work at just and reason-
49 able rates.

50 6. The New York State public service law requires utilities to expand
51 natural gas infrastructure in response to requests from consumers, even
52 when the foreseeable costs of such expansion promise to become unmanage-
53 able, and alternatives would be more cost-effective. In this way, the
54 public service law constrains the commission and department from ensur-

1 ing that utilities respond appropriately to a changing marketplace and
2 the CLCPA's emission reduction requirements.

3 a. Statutorily mandated utility system extension allowances shift the
4 significant costs of new customer hookups to existing customers, creat-
5 ing strong incentives to expand reliance on natural gas and the infras-
6 tructure that delivers it while obscuring the costs of such expansion to
7 all stakeholders.

8 b. Citing their obligation under the public service law, gas corpo-
9 rations in New York continue investing in the expansion of gas infras-
10 tructure despite the risk of that infrastructure becoming a stranded
11 asset. These investments are made at the expense of alternative
12 solutions available to utility customers today.

13 c. Gas corporations' obligation to serve, codified in the public
14 service law, is a major obstacle to development of neighborhood-scale
15 building decarbonization projects that would help align energy system
16 investments with the two thousand thirty and two thousand fifty green-
17 house gas emission reduction mandates in article seventy-five of the
18 environmental conservation law in a manner that mitigates costs for all
19 utility customers and ensures a just transition for impacted workers.

20 7. Now that multiple liquified natural gas export terminals have inte-
21 grated domestic sources of natural gas into the international market,
22 New Yorkers that rely on natural gas may face generally higher fuel
23 prices and greater price volatility. Decarbonizing buildings, investing
24 in energy efficiency, and developing renewable sources of electricity
25 will all yield greater energy security and savings for New York energy
26 consumers.

27 8. Thus, it is the intent of the legislature to enact the affordable
28 gas transition act for the following purposes:

29 a. to ensure that regulation and oversight of gas utilities pursuant
30 to the public service law will provide for the timely and strategic
31 management of the gas system in light of changing technologies and
32 consumer preferences, greenhouse gas emission reduction requirements,
33 the need to keep energy affordable for all consumers, and the need to
34 ensure a just transition for affected communities and workers;

35 b. to provide the commission with statutory authority and direction to
36 align its regulations and gas and electric corporations' planning
37 efforts with ongoing changes in technology and consumer preferences as
38 well as the CLCPA's requirements;

39 c. to end statutorily mandated incentives for the expansion of fossil
40 fuel infrastructure while maintaining the equitable provision of elec-
41 tric service for efficient heating, cooling, cooking, hot water, and
42 other uses;

43 d. to address barriers to the provision of affordable access to elec-
44 tricity for heating and cooling for low-income and moderate-income
45 consumers; and

46 e. to clarify that municipal building codes regulating on-site emis-
47 sions are not preempted under New York state law.

48 9. This legislation does not establish a ban on the use of gas. It is
49 neither the intent nor would it be the effect of this legislation to
50 require the immediate transition of any existing gas customer to alter-
51 native heating and cooling services.

52 § 3. Subdivision 1 of section 4 of the public service law, as amended
53 by chapter 594 of the laws of 2021, is amended to read as follows:

54 1. There shall be in the department of public service a public service
55 commission, which shall possess the powers and duties hereinafter speci-
56 fied, and also all powers necessary or proper to enable it to carry out

1 the purposes of this chapter and to enable achievement of the climate
2 justice and emission reduction mandates in article seventy-five of the
3 environmental conservation law. The commission shall consist of five
4 members, to be appointed by the governor, by and with the advice and
5 consent of the senate. A commissioner shall be designated as [chairman]
6 chairperson of the commission by the governor to serve in such capacity
7 at the pleasure of the governor or until [his] their term as commission-
8 er expires whichever first occurs. At least one commissioner shall have
9 experience in utility consumer advocacy. No more than three commission-
10 ers may be members of the same political party unless, pursuant to
11 action taken under subdivision two of this section, the number of
12 commissioners shall exceed five, and in such event no more than four
13 commissioners may be members of the same political party.

14 § 4. Paragraph b of subdivision 1 and subdivision 2 of section 5 of
15 the public service law, paragraph b of subdivision 1 as amended and
16 subdivision 2 as added by chapter 155 of the laws of 1970, are amended
17 to read as follows:

18 b. To the manufacture, conveying, transportation, sale or distribution
19 of gas (natural or manufactured or mixture of both) and electricity for
20 light, heat, cooling, or power, to gas plants and to electric plants and
21 to the persons or corporations owning, leasing or operating the same.

22 2. The commission shall encourage all persons and corporations subject
23 to its jurisdiction to formulate and carry out long-range programs,
24 individually or cooperatively, for the performance of their public
25 service responsibilities, including the achievement of the climate
26 justice and emission reduction mandates in article seventy-five of the
27 environmental conservation law, with economy, efficiency, and care for
28 the public safety, the preservation of environmental values and the
29 conservation of natural resources.

30 § 5. Section 30 of the public service law, as amended by chapter 686
31 of the laws of 2002, is amended to read as follows:

32 § 30. Residential gas, electric and steam service policy. 1. This
33 article shall apply to the provision of all or any part of the gas,
34 electric or steam service provided to any residential customer by any
35 gas, electric or steam and municipalities corporation or municipality.
36 It is hereby declared to be the policy of this state that the continued
37 provision of [all or any part of such gas,] electric and steam service
38 to all residential customers without unreasonable qualifications or
39 lengthy delays is necessary for the preservation of the health and
40 general welfare, is consistent with the achievement of the state's
41 climate justice and emission reduction mandates in article seventy-five
42 of the environmental conservation law, and is in the public interest.
43 It is further the policy of this state that gas service for existing
44 residential customers must be provided in a manner that is safe and
45 adequate, not unjustly discriminatory or unduly preferential, and in all
46 respects just and reasonable, while providing for an orderly gas system
47 transition to achieve consistency with the climate justice and emission
48 reduction mandates in article seventy-five of the environmental conser-
49 vation law, prioritizing low-to-moderate income customers and disadvan-
50 tagged communities as defined in article seventy-five of the environ-
51 mental conservation law, and encouraging neighborhood-scale transitions.

52 2. The commission shall regulate for the continued provision of gas
53 service to all existing residential customers who choose to continue
54 service, unless such service is discontinued pursuant to a program
55 approved by the commission. The commission shall only approve programs
56 that ensure affected customers retain continuous access to safe, reli-

1 able, and affordable energy services and can secure adequate substitutes
2 for gas-fired space heating, water heating, and cooking appliances prior
3 to the discontinuance of gas service.

4 § 6. Subdivisions 1, 3 and 4 of section 31 of the public service law,
5 as added by chapter 713 of the laws of 1981, are amended and a new
6 subdivision 4-a is added to read as follows:

7 1. Every gas corporation, electric corporation or municipality shall
8 provide residential service upon the oral or written request of an
9 applicant, provided that any residential gas service shall only be
10 provided in accordance with section thirty of this article, and provided
11 further that the commission may require that requests for service be in
12 writing under circumstances as it deems necessary and proper as set
13 forth by regulation, and provided further that the applicant:

14 (a) makes full payment for residential utility service provided to a
15 prior account in [his] the applicant's name; or

16 (b) agrees to make payments under a deferred payment plan of any
17 amounts due for service to a prior account in [his] the applicant's name
18 and makes a down payment based on criteria to be established by the
19 commission. No such down payment shall exceed one-half of any money due
20 from an applicant for residential utility service, or three months aver-
21 age billing, whichever is less; or

22 (c) is a recipient of public assistance, supplemental security income
23 or additional state payments pursuant to the social services law, or is
24 an applicant for such assistance, income or payments, and the utility
25 corporation or the municipality receives payment from, or is notified of
26 the applicant's eligibility for utility payments by the social services
27 official of the social services district in which such person resides
28 for amounts due for service to a prior account in the applicant's name,
29 together with guarantee of future payments to the extent authorized by
30 the social services law; and

31 (d) receives clear, timely information from the gas corporation, elec-
32 tric corporation, or municipality, written in plain language on incen-
33 tives and opportunities for installing energy-efficient electric heating
34 and cooling technologies, weatherization, demand-side management, and
35 distributed energy resource programs.

36 (e) nothing in this subdivision shall be construed to prohibit exist-
37 ing gas customers, in accordance with section thirty of this article and
38 subject to any other regulations implemented by the commission, from
39 reconnecting to the gas corporation's system following a gas inter-
40 ruption due to emergency repairs or remediation of leaking equipment.

41 3. Subject to the requirements of subdivisions four, four-a, and five
42 of this section, and in accordance with section thirty of this article,
43 whenever a residential customer moves to a new residence within the
44 service territory of the same utility corporation or municipality, [he]
45 the applicant shall be eligible to receive service at the new residence
46 and such service shall be considered a continuation of service [in all
47 respects], with any deferred payment agreement honored, and with all
48 rights of such customer and such utility corporation provided by this
49 article unimpaired.

50 4. In the case of any application for service to a building which is
51 not supplied with electricity [or gas], a utility corporation or munici-
52 pality shall be obligated to provide electric service to such a build-
53 ing, provided however, that the commission may require applicants for
54 service to buildings located in excess of one hundred feet from [gas or]
55 electric transmission lines to pay or agree in writing to pay material

1 and installation costs relating to the applicant's proportion of the
2 [pipe,] conduit, duct or wire, or other facilities to be installed.

3 4-a. In the case of any application for gas service to a building
4 which is not supplied with gas, a utility corporation or municipality
5 shall provide gas service to such a building as authorized by the
6 commission, provided however, that the commission may require applicants
7 for gas service to buildings to pay or agree in writing to pay material
8 and installation costs relating to all or a portion of the pipe or other
9 facilities to be installed to enable service to the applicant.

10 § 7. Section 12 of the transportation corporations law, as separately
11 amended by chapters 713 and 895 of the laws of 1981, is amended to read
12 as follows:

13 § 12. [Gas and electricity] Electricity must be supplied on applica-
14 tion. Except in the case of an application for residential utility
15 service pursuant to article two of the public service law, upon written
16 application of the owner or occupant of any building within one hundred
17 feet of any [main of a gas corporation or gas and electric corporation,
18 or a] line of an electric corporation or gas and electric corporation,
19 appropriate to the service requested, and payment by [him] the applicant
20 of all money due from [him] the applicant to the corporation, it shall
21 supply [gas or] electricity as may be required for [lighting] such
22 building, notwithstanding there be rent or compensation in arrears for
23 gas or electricity supplied, or for meter, wire, pipe or fittings
24 furnished, to a former occupant thereof, unless such owner or occupant
25 shall have undertaken or agreed with the former occupant to pay or to
26 exonerate [him] them from the payment of such arrears, and shall refuse
27 or neglect to pay the same; and if for the space of ten days after such
28 application, and the deposit of a reasonable sum [as provided in the
29 next section], if required, the corporation shall refuse or neglect to
30 supply [gas or electric light] electricity as required, such corporation
31 shall forfeit and pay to the applicant the sum of ten dollars, and the
32 further sum of five dollars for every day thereafter during which such
33 refusal or neglect shall continue; provided that no such corporation
34 shall be required to lay service [pipes or] wires for the purpose of
35 supplying [gas or electric light] electricity to any applicant where the
36 ground in which such [pipe or] wire is required to be laid shall be
37 frozen, or shall otherwise present serious obstacles to laying the same;
38 nor unless the applicant, if required, shall deposit in advance with the
39 corporation a sum of money sufficient to pay the cost of [his propor-
40 tion] the applicant's portion of the [pipe,] conduit, duct or wire
41 required to be installed, and the expense of the installation of such
42 portion.

43 § 8. The transportation corporations law is amended by adding a new
44 section 13 to read as follows:

45 § 13. Gas must be supplied in accordance with public service commis-
46 sion rules and regulations. Except in the case of an application for
47 residential utility service pursuant to article two of the public
48 service law, upon written application of the owner or occupant of any
49 building within one hundred feet of any main of a gas corporation or gas
50 and electric corporation appropriate to the service requested, and
51 payment by the applicant of all money due from the applicant to the
52 corporation, it shall supply gas for such building as authorized by the
53 commission, notwithstanding there be rent or compensation in arrears for
54 gas supplied, or for meter, pipe or fittings furnished, to a former
55 occupant thereof, unless such owner or occupant shall have undertaken or
56 agreed with the former occupant to pay or to exonerate them from the

1 payment of such arrears, and shall refuse or neglect to pay the same;
2 and if for the space of ten days after such application, and the deposit
3 of a reasonable sum, if required, the corporation shall refuse or
4 neglect to supply gas as required pursuant to public service commission
5 rules and regulations, such corporation shall forfeit and pay to the
6 applicant the sum of ten dollars, and the further sum of five dollars
7 for every day thereafter during which such refusal or neglect shall
8 continue; provided that no such corporation shall be required to lay
9 service pipes for the purpose of supplying gas to any applicant where
10 the ground in which such pipe is required to be laid shall be frozen, or
11 shall otherwise present serious obstacles to laying the same; nor unless
12 the applicant, if required, shall deposit in advance with the corpo-
13 ration a sum of money sufficient to pay the material and installation
14 costs relating to all or a portion of the pipe or other facilities to be
15 installed to enable service to the applicant.

16 § 9. Subdivision 2 of section 66 of the public service law, as amended
17 by chapter 877 of the laws of 1953, is amended and two new subdivisions
18 2-b and 12-e are added to read as follows:

19 2. Investigate and ascertain, from time to time, the quality of gas
20 supplied by persons, corporations and municipalities; examine or inves-
21 tigate the methods employed by such persons, corporations and munici-
22 palities in manufacturing, distributing and supplying gas or electricity
23 for light, heat, cooling, or power and in transmitting the same, and
24 have power to order such reasonable improvements as will best promote
25 the public interest, preserve the public health and protect those using
26 such gas or electricity and those employed in the manufacture and
27 distribution thereof, and have power to order reasonable improvements
28 and extensions of the works, wires, poles, lines, conduits, ducts and
29 other reasonable devices, apparatus and property of gas corporations,
30 electric corporations and municipalities; and have power after an inves-
31 tigation and a hearing to order any corporation having authority under
32 any general or special law or under any charter or franchise, to lay
33 down, erect or maintain wires, pipes, conduits, ducts or other fixtures
34 in, over or under the streets, highways and public places of any munici-
35 pality for the purpose of supplying, selling or distributing natural
36 gas, to augment its supply of natural gas, whenever the commission deems
37 necessary and whenever artificial gas can be reasonably obtained, by
38 acquiring by purchase, manufacture or otherwise a supply thereof to be
39 mixed with such natural gas, in order to render adequate service to the
40 customers of such corporation or to maintain a proper and uniform pres-
41 sure; and have power after an investigation and a hearing to order any
42 corporation having authority under any general or special law or under
43 any charter or franchise, to lay down, erect or maintain wires, pipes,
44 conduits, ducts or other fixtures in, over or under the streets, high-
45 ways and public places of any municipality for the purpose of supplying,
46 selling or distributing artificial gas, to augment its supply of artifi-
47 cial gas, whenever the commission deems necessary and whenever natural
48 gas can be reasonably obtained, by acquiring by purchase or otherwise a
49 supply thereof to be mixed with such artificial gas, in order to render
50 adequate service to the customers of such corporation or to maintain a
51 proper and uniform pressure; and to fix such rate for the supplying of
52 mixed gas as shall secure to such corporation a fair return; and may
53 order the curtailment or discontinuance of the use of natural gas for
54 manufacturing or industrial purposes, for periods aggregating not to
55 exceed four months in any calendar year, if it is established to the
56 satisfaction of the commission that the supply of natural gas is not



1 adequate to meet the reasonable demands of domestic consumption [and may
2 prohibit the use of natural gas in wasteful devices and practices].

3 2-b. Have power to prohibit the use of natural gas in wasteful devices
4 and practices, and to order the curtailment or discontinuance of the use
5 of all or portions of the works, pipes, and other gas plant of a gas
6 corporation, where the commission has determined that such curtailment
7 or discontinuance is reasonably required to implement state energy poli-
8 cy, provided that such curtailment or discontinuance shall be consistent
9 with a commission-approved program to achieve consistency with the
10 climate justice and emission reduction mandates in article seventy-five
11 of the environmental conservation law, including the opportunity for
12 recovery of the gas corporation's investment in such system at just and
13 reasonable rates.

14 12-e. The commission shall review the capital construction plan of
15 each gas corporation and establish a process to examine feasible alter-
16 natives to such construction in order to align with the climate justice
17 and emission reduction mandates in article seventy-five of the environ-
18 mental conservation law. The commission may require participation in
19 such process by each electric corporation with a service area overlap-
20 ping the service area of the gas corporation.

21 § 10. Section 66-a of the public service law, as added by chapter 7 of
22 the laws of 1948, subdivision 1 as amended and subdivision 3 as added by
23 chapter 582 of the laws of 1975, subdivision 2 as amended by chapter 722
24 of the laws of 1977, is amended to read as follows:

25 § 66-a. Conservation of gas, declaration of policy, delegation of
26 power. 1. It is hereby declared to be the policy of this state that
27 when there develops in any area a situation under which a gas corpo-
28 ration supplying gas to such area is unable to meet the reasonable needs
29 of its consumers and of persons or corporations applying for new or
30 additional gas service, the available supply of gas shall be allocated
31 among the customers of such gas corporation, in such manner as may be
32 necessary to protect public health and safety and to avoid undue hard-
33 ship, particularly for low-to-moderate income residential customers,
34 electric generation needed for electric system reliability, and custom-
35 ers with hard-to-electrify industrial and commercial uses, pursuant to
36 rules and regulations as may be adopted by the commission, and that to
37 carry out this declared policy the jurisdiction of the public service
38 commission should be clarified.

39 2. Notwithstanding the provisions of any statute or any franchise held
40 by a gas corporation, the commission shall have power, upon the finding
41 that continued gas service is not consistent with the achievement of the
42 climate justice and emission reduction mandates in article seventy-five
43 of the environmental conservation law, or that there exists such a shor-
44 tage of gas in any area in the state, that the gas corporation supplying
45 such area is unable and will be unable to secure or produce sufficient
46 gas to meet the reasonable needs of its customers and of persons or
47 corporations applying for new or additional gas service, to require such
48 corporation to immediately discontinue the supplying of gas to addi-
49 tional customers or of supplying additional service to present custom-
50 ers, for such purpose or purposes as may be designated by the commis-
51 sion, or to customers using gas for a purpose prohibited by the
52 commission pursuant to this act, and that upon the finding that the
53 supply of gas available is and will be insufficient to supply the
54 demands of all consumers receiving service, to require such gas corpo-
55 ration to curtail or discontinue service to any or all classes of
56 customers of such gas corporation. In imposing such a direction or



1 requirement, the commission shall give consideration first to existing
2 domestic uses and uses deemed to be necessary by the commission to
3 protect public health and safety and to avoid undue hardship [and shall
4 be limited to the period of the emergency provided that the gas corpo-
5 ration affected shall make such restriction, curtailing or discontin-
6 uance applicable to all customers or applicants for service in a like
7 class. If the commission determines that good cause exists for supplying
8 service to additional customers or for supplying additional service to
9 some existing customers, notwithstanding the curtailment or discontin-
10 uance of service to other existing customers, it shall, to the extent
11 feasible, allocate gas with equal priority to new or additional domestic
12 uses of gas and commercial or industrial processes which require gas
13 because there is no practical substitute for it in such proportion as
14 the commission determines to be reasonable. Provided that the commis-
15 sion shall be permitted, after public hearing, to authorize any natural
16 gas produced from lands under the waters of Lake Erie to be used for
17 process or feedstock requirements]. The commission is authorized to
18 adopt such rules, regulations and orders as are necessary or appropriate
19 to carry out these delegated powers.

20 3. In carrying out the delegated powers provided for in this section,
21 the commission shall, to the extent practicable, determine and establish
22 gas conservation measures or standards, including energy-efficient elec-
23 trification of gas end uses. The commission may require compliance with
24 such measures or standards as a condition of receiving service.

25 4. The commission shall determine conditions under which new or addi-
26 tional gas service is warranted notwithstanding the need to conserve
27 resources for service to existing gas customers. Such determination
28 shall be consistent with the achievement of the climate justice and
29 emission reduction mandates in article seventy-five of the environmental
30 conservation law, and may take into account factors including economic
31 development, impacts on new and existing customers including low-to-mod-
32 erate income customers, impacts on system safety and adequacy, equity
33 toward existing customers with limited conversion alternatives, and the
34 feasibility of neighborhood-scale alternatives to usage of fuels with
35 high life-cycle greenhouse gas emissions and on-site co-pollutant emis-
36 sions, including thermal energy networks.

37 § 11. Section 66-b of the public service law is REPEALED.

38 § 12. The public service law is amended by adding a new section 66-w
39 to read as follows:

40 § 66-w. Expansion of gas plant into new areas. Except as provided in
41 this section, and notwithstanding any other provision of this chapter,
42 after December thirty-first, two thousand twenty-five, no gas corpo-
43 ration shall commence construction of a new gas plant that would expand
44 the availability of service into geographic areas where gas service was
45 not available prior to that date as defined by the applicable utility's
46 certificate of public convenience and necessity approved by the commis-
47 sion. The commission may authorize exceptions on a case-by-case basis,
48 provided that the commission finds that such construction serves the
49 public interest or alternatives to gas service are either not technical-
50 ly feasible or prohibitively expensive.

51 § 13. Severability clause. The provisions of this act shall be severa-
52 ble and if the application of any clause, sentence, paragraph, subdivi-
53 sion, section, or part thereof to any person or circumstance shall be
54 adjudged by any court of competent jurisdiction to be invalid, such
55 judgment shall not necessarily affect, impair, or invalidate the appli-
56 cation of any such clause, sentence, paragraph, subdivision, section,

1 part or remainder thereof, as the case may be, to any other person,
2 circumstance, but shall be confined in its operation to the clause,
3 sentence, paragraph, subdivision, section or part thereof directly
4 involved in the controversy in which such judgment shall have been
5 rendered.

6 § 14. This act shall take effect immediately.

7

PART Q

8 Section 1. Expenditures of moneys appropriated to the department of
9 agriculture and markets from the special revenue funds-other/state oper-
10 ations, miscellaneous special revenue fund-339, public service account
11 shall be subject to the provisions of this section. Notwithstanding any
12 other provision of law to the contrary, direct and indirect expenses
13 relating to the department of agriculture and markets' participation in
14 general ratemaking proceedings pursuant to section 65 of the public
15 service law or certification proceedings pursuant to article 7 or 10 of
16 the public service law, shall be deemed expenses of the department of
17 public service within the meaning of section 18-a of the public service
18 law. No later than August 15th annually, the commissioner of the depart-
19 ment of agriculture and markets shall submit an accounting of such
20 expenses, including, but not limited to, expenses in the prior state
21 fiscal year for personal and non-personal services and fringe benefits,
22 to the chair of the public service commission for the chair's review
23 pursuant to the provisions of section 18-a of the public service law.

24 § 2. Expenditures of moneys appropriated to the department of state
25 from the special revenue funds-other/state operations, miscellaneous
26 special revenue fund-339, public service account shall be subject to the
27 provisions of this section. Notwithstanding any other provision of law
28 to the contrary, direct and indirect expenses relating to the activities
29 of the department of state's utility intervention unit pursuant to
30 subdivision 4 of section 94-a of the executive law, including, but not
31 limited to participation in general ratemaking proceedings pursuant to
32 section 65 of the public service law or certification proceedings pursu-
33 ant to article 7 or 10 of the public service law, and expenses related
34 to the activities of the major renewable energy development program
35 established by section 94-c of the executive law, shall be deemed
36 expenses of the department of public service within the meaning of
37 section 18-a of the public service law. No later than August 15th annu-
38 ally, the secretary of state shall submit an accounting of such
39 expenses, including, but not limited to, expenses in the prior state
40 fiscal year for personal and non-personal services and fringe benefits,
41 to the chair of the public service commission for the chair's review
42 pursuant to the provisions of section 18-a of the public service law.

43 § 3. Expenditures of moneys appropriated to the office of parks,
44 recreation and historic preservation from the special revenue funds-
45 other/state operations, miscellaneous special revenue fund-339, public
46 service account shall be subject to the provisions of this section.
47 Notwithstanding any other provision of law to the contrary, direct and
48 indirect expenses relating to the office of parks, recreation and
49 historic preservation's participation in general ratemaking proceedings
50 pursuant to section 65 of the public service law or certification
51 proceedings pursuant to article 7 or 10 of the public service law, shall
52 be deemed expenses of the department of public service within the mean-
53 ing of section 18-a of the public service law. No later than August 15th
54 annually, the commissioner of the office of parks, recreation and

1 historic preservation shall submit an accounting of such expenses,
2 including, but not limited to, expenses in the prior state fiscal year
3 for personal and non-personal services and fringe benefits, to the chair
4 of the public service commission for the chair's review pursuant to the
5 provisions of section 18-a of the public service law.

6 § 4. Expenditures of moneys appropriated to the department of environ-
7 mental conservation from the special revenue funds-other/state oper-
8 ations, environmental conservation special revenue fund-301, utility
9 environmental regulation account shall be subject to the provisions of
10 this section. Notwithstanding any other provision of law to the contra-
11 ry, direct and indirect expenses relating to the department of environ-
12 mental conservation's participation in state energy policy proceedings,
13 or certification proceedings pursuant to article 7 or 10 of the public
14 service law, shall be deemed expenses of the department of public
15 service within the meaning of section 18-a of the public service law. No
16 later than August 15th annually, the commissioner of the department of
17 environmental conservation shall submit an accounting of such expenses,
18 including, but not limited to, expenses in the prior state fiscal year
19 for personal and non-personal services and fringe benefits, to the chair
20 of the public service commission for the chair's review pursuant to the
21 provisions of section 18-a of the public service law.

22 § 5. Notwithstanding any other law, rule or regulation to the contra-
23 ry, expenses of the department of health public service education
24 program incurred pursuant to appropriations from the cable television
25 account of the state miscellaneous special revenue funds shall be deemed
26 expenses of the department of public service. No later than August 15th
27 annually, the commissioner of the department of health shall submit an
28 accounting of expenses in the prior state fiscal year to the chair of
29 the public service commission for the chair's review pursuant to the
30 provisions of section 217 of the public service law.

31 § 6. Any expense deemed to be expenses of the department of public
32 service pursuant to sections one through four of this act shall not be
33 recovered through assessments imposed upon telephone corporations as
34 defined in subdivision 17 of section 2 of the public service law.

35 § 7. This act shall take effect immediately and shall be deemed to
36 have been in full force and effect on and after April 1, 2024 and shall
37 expire and be deemed repealed April 1, 2029.

38

PART R

39 Section 1. Subdivision 2 of section 195 of the agriculture and markets
40 law, as amended by section 2 of part D of chapter 82 of the laws of
41 2002, is amended to read as follows:

42 2. Upon application, a weighmaster's license may be issued by the
43 commissioner to an employee of a person, firm, partnership or corpo-
44 ration whose business requires, by contract or otherwise, that materials
45 or commodities manufactured, produced, distributed, sold or handled by
46 such person, firm, partnership or corporation be weighed by a licensed
47 weighmaster; or such license may be issued to an individual engaged in
48 the weighing of materials or commodities. The applicant shall furnish
49 satisfactory evidence of good character and of ability to weigh accu-
50 rately and to make correct weight tickets. [He] The applicant shall
51 also furnish evidence that [he] such applicant owns, leases or has
52 access to a stationary scale within the state suitable for weighing the
53 materials or commodities to be weighed by [him] the applicant or that
54 [he] the applicant is regularly employed by a person, firm, partnership



1 or corporation who owns, leases or has access to such a scale which has
2 been tested and sealed by the weights and measures official charged with
3 such duty. The applicant shall pay [a fee of fifteen dollars] an appro-
4 priate fee commensurate with costs as established by regulation. A
5 license shall be for a period not exceeding three years and may be
6 renewed in the discretion of the commissioner upon payment of the fee
7 aforesaid. Such license shall be kept at the place where the weighmaster
8 is engaged in weighing and shall be open to inspection. An application
9 may be denied or a license may be revoked by the commissioner, after a
10 hearing upon due notice to the applicant or licensee, for dishonesty,
11 incompetency, inaccuracy or a violation of the provisions of this arti-
12 cle or the rules and regulations adopted pursuant thereto.

13 § 2. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law. Effective immediately, the addition, amend-
15 ment and/or repeal of any rule or regulation necessary for the implemen-
16 tation of this act on its effective date are authorized to be made and
17 completed on or before such effective date.

18

PART S

19 Section 1. Subdivision 3 of section 54-1511 of the environmental
20 conservation law, as added by section 5 of part U of chapter 58 of the
21 laws of 2016, is amended to read as follows:

22 3. State assistance payments shall not exceed fifty percent of the
23 project cost or two million dollars, whichever is less, provided however
24 if a municipality meets criteria established by the department relating
25 to either financial hardship or disadvantaged communities pursuant to
26 section 75-0101 of this chapter, the commissioner may authorize state
27 assistance payments of up to eighty percent of the project cost or two
28 million dollars, whichever is less. Such costs are subject to final
29 computation and determination by the commissioner upon completion of the
30 project, and shall not exceed the maximum eligible cost set forth in the
31 contract.

32 § 2. This act shall take effect immediately.

33

PART T

34 Section 1. Section 72-0302 of the environmental conservation law, as
35 amended by chapter 608 of the laws of 1993, the opening paragraph of
36 subdivision 1 and the closing paragraph as amended by chapter 432 of the
37 laws of 1997, and paragraph (e) of subdivision 1 as amended and para-
38 graphs (f) and (g) of subdivision 1 as relettered by chapter 170 of the
39 laws of 1994, is amended to read as follows:

40 § 72-0302. State air quality control fees.

41 1. All persons, except those required to pay a fee under section
42 72-0303 of this [article] title, who are required to obtain a permit,
43 [certificate] registration or other operating approval pursuant to the
44 state air quality control program and the rules and regulations adopted
45 by the department hereunder shall submit to the department [a per emis-
46 sion point] an annual fee in an amount established as follows:

47 a. [\$11,000.00 for a stationary combustion installation having a maxi-
48 mum operating heat input equal to or greater than fifty million British
49 thermal units per hour as stated on the most recent application for a
50 permit to construct or application for a certificate to operate and
51 which emits or has the potential to emit equal to or greater than any
52 one of the following:

1 (i) one hundred tons per year of oxides of nitrogen, or if located in
2 a severe ozone nonattainment area, twenty-five tons per year; or

3 (ii) one hundred tons per year of sulfur dioxide; or

4 (iii) one hundred tons per year of particulates] \$5,000.00 for each
5 state facility permit.

6 b. [\$2,000.00 for all stationary combustion installations which are
7 not included under paragraph a of this subdivision and which have a
8 maximum operating heat input greater than fifty million British thermal
9 units per hour as stated on the most recent application for a certif-
10 icate to operate] \$500.00 for each registration or other operating

11 approval.
12 [c. \$100.00 for a stationary combustion installation having a maximum
13 operating heat input less than fifty million British thermal units per
14 hour as stated on the most recent application for a certificate to oper-
15 ate.

16 d. \$2,000.00 for a process air contamination source for an annual
17 emission rate equal to or greater than twenty-five tons per year of any
18 one of the following: sulfur dioxide, nitrogen dioxide, total particu-
19 lates, carbon monoxide, total volatile organic compounds and other
20 specific air contaminants. The annual emission rate shall be the actual
21 annual emission rate as stated on the most recent application for a
22 permit to construct or application for a certificate to operate. In the
23 event that hours of operation have not been specified on the applica-
24 tions then maximum possible hours of operation (8760 hours) will be used
25 to calculate actual annual emissions.

26 e. \$160.00 for a process air contamination source, except a gasoline
27 [dispensing] dispensing site, for an annual emission rate less than
28 twenty-five tons per year of any one of the following: sulfur dioxide,
29 nitrogen dioxide, total particulates, carbon monoxide, total volatile
30 organic compounds and other specific air contaminants. The annual emis-
31 sion rate shall be the actual annual emission rate as applied for on the
32 most recent application for a permit to construct or application for a
33 certificate to operate. In the event that hours of operation have not
34 been specified on the applications then maximum possible hours of opera-
35 tion (8760 hours) will be used to calculate actual annual emissions.

36 f. \$2,000.00 for an incinerator capable of charging two thousand
37 pounds of refuse per hour or greater. The charging capacity will be
38 established in accordance with the application for the most recent
39 permit to construct or application for a certificate to operate the
40 incinerator source and will be calculated on an emission point basis.

41 g. \$160.00 for an incinerator with a maximum design charge rate of
42 less than two thousand pounds of refuse per hour. The charging capacity
43 will be established in accordance with the application for the most
44 recent permit to construct or application for a certificate to operate
45 the incinerator source and will be calculated on an emission point
46 basis.]

47 Provided, however, that where a city or county is delegated the
48 authority to administer the state air quality control program, or any
49 portion thereof, pursuant to paragraph p of subdivision two of section
50 3-0301 of this chapter and such city or county collects a fee in
51 connection with the issuance of a permit, [certificate] registration or
52 other operating approval [for a combustion installation, incinerator or
53 process air contamination source] pursuant to the state air quality
54 control program and the rules and regulations adopted by the department
55 hereunder, no additional liability for fees under this section shall

1 accrue for the particular combustion installation, incinerator or proc-
2 ess air contamination source that is subject to the delegation.

3 § 2. Subdivisions 1, 3 and 5 of section 72-0303 of the environmental
4 conservation law, subdivisions 1 and 3 as amended by section 1 of part D
5 of chapter 413 of the laws of 1999, the opening paragraph of subdivision
6 1 as amended by section 1 of part Y of chapter 58 of the laws of 2015
7 and subdivision 5 as added by chapter 608 of the laws of 1993, are
8 amended to read as follows:

9 1. Commencing January first, two thousand [fifteen] twenty-seven and
10 every year thereafter, all sources of regulated air contaminants identi-
11 fied pursuant to subdivision one of section 19-0311 of this chapter
12 shall submit to the department an annual base fee of [two] ten thousand
13 [five hundred] dollars per facility. This base fee shall be in addition
14 to the fees listed below. Commencing January first, [nineteen hundred
15 ninety-four] two thousand twenty-seven and every year thereafter, all
16 sources of regulated air contaminants identified pursuant to subdivision
17 one of section 19-0311 of this chapter shall submit to the department an
18 annual fee not to exceed [the] two hundred forty-five dollars per ton
19 [fees described below. The per ton fee is assessed on each ton of emis-
20 sions up to seven thousand tons annually of each regulated air contam-
21 inant as follows: sixty dollars per ton for facilities with total emis-
22 sions less than one thousand tons annually; seventy dollars per ton for
23 facilities with total emissions of one thousand or more but less than
24 two thousand tons annually; eighty dollars per ton for facilities with
25 total emissions of two thousand or more but less than five thousand tons
26 annually; and ninety dollars per ton for facilities with total] of emis-
27 sions of [five thousand or more tons annually] regulated air contam-
28 inants. Such [fee] fees shall be sufficient to support an appropriation
29 approved by the legislature for the direct and indirect costs associated
30 with the operating permit program established in section 19-0311 of this
31 chapter. Such [fee] fees shall be established by the department and
32 shall be calculated by dividing the amount of the current year appropri-
33 ation from the operating permit program account of the clean air fund by
34 the total tons of emissions of regulated air contaminants, including
35 hazardous air pollutants, that are subject to the operating permit
36 program fees from sources subject to the operating permit program pursu-
37 ant to section 19-0311 of this chapter [up to seven thousand tons annu-
38 ally of each regulated air contaminant from each source]; provided that,
39 in making such calculation, the department shall adjust their calcu-
40 lation to account for any deficit or surplus in the operating permit
41 program account of the clean air fund established pursuant to section
42 ninety-seven-00 of the state finance law[; any loan repayment from the
43 mobile source account of the clean air fund established pursuant to
44 section ninety-seven-00 of the state finance law;] and the rate of
45 collection by the department of the bills issued for the [fee] fees for
46 the prior year.

47 Notwithstanding the provisions of the state administrative procedure
48 act, such calculation and [fee] fees shall be established as a rule by
49 publication in the Environmental Notice Bulletin no later than thirty
50 days after the budget bills making appropriations for the support of
51 government are enacted or July first, whichever is later, of the year
52 such [fee] fees will be effective. In no event shall the [fee] fees
53 established herein be any greater than the maximum fee identified pursu-
54 ant to this section.

55 3. Effective January first, [nineteen hundred ninety-seven through
56 December thirty-first, nineteen hundred ninety-eight] two thousand twen-

1 ty-seven and each year thereafter, and notwithstanding the requirements
2 of the state administrative procedure act, [the cap of twenty-five
3 dollars] each per ton fee shall increase by the percentage, if any, by
4 which the consumer price index exceeds the consumer price index for the
5 [calendar] prior calendar year [nineteen hundred eighty-nine].

6 a. The consumer price index for any prior calendar year is the average
7 of the consumer price index for all urban consumers published by the
8 United States department of labor, as of the close of the twelve-month
9 period ending on August thirty-first of each calendar year.

10 b. The [revision of the] department shall use the most recent consumer
11 price index [for the calendar year nineteen hundred eighty-nine shall be
12 used in the event] published by the department of labor [revises its
13 method of determining the consumer price index].

14 5. Any regulated air contaminant subject to the fees imposed pursuant
15 to this section which qualifies as both a volatile organic compound and
16 a hazardous air pollutant regulated pursuant to section 7412 of the Act
17 shall not be counted under both categories and shall only be counted as
18 a hazardous air pollutant for the purpose of assessing fees.

19 § 3. Subdivision 7 of section 72-0303 of the environmental conserva-
20 tion law is REPEALED.

21 § 4. Subdivisions 8, 9 and 10 of section 72-0303 of the environmental
22 conservation law are renumbered subdivisions 7, 8 and 9.

23 § 5. Paragraph c of subdivision 2 of section 97-00 of the state
24 finance law, as added by chapter 608 of the laws of 1993, is REPEALED.

25 § 6. The environmental conservation law is amended by adding a new
26 section 19-0328 to read as follows:

27 § 19-0328. Fee programs.

28 1. In order to comply with the statutory mandates of the Act, the
29 department may implement new or revise existing regulatory or permitting
30 fee programs, including but not limited to the programs established by
31 title V and section 7511d of the Act.

32 2. Such fee shall be calculated based upon ton of volatile organic
33 compound, oxides of nitrogen, or other regulated air contaminant emitted
34 as set forth in the Act, this article or otherwise pursuant to regu-
35 lation established by the department.

36 3. The department may further establish by rule or rules additional
37 procedures for assessment of and collection of such fees.

38 § 7. This act shall take effect immediately; provided, however, that
39 sections one, three, four, five, and six of this act shall take effect
40 January 1, 2025; and provided further, however, that section two of this
41 act shall take effect January 1, 2027.

42

PART U

43 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the
44 public authorities law is amended by adding a new undesignated paragraph
45 to read as follows:

46 Any state agency, county, city, town, and village, where such entity
47 is undertaking a project funded in whole, or in part, by the New York
48 State Environmental Bond Act of 2022; or funded in whole or in part by
49 the Federal government through the American Rescue Plan Act of 2021, the
50 Infrastructure Investment and Jobs Act of 2021, and the Inflation
51 Reduction Act of 2022.

52 § 2. Subdivision 1 of section 1680 of the public authorities law is
53 amended by adding a new undesignated paragraph to read as follows:

1 Any state agency, county, city, town, and village, where such entity
2 is undertaking a project funded in whole, or in part, by the New York
3 State Environmental Bond Act of 2022; or funded in whole or in part by
4 the Federal government through the American Rescue Plan Act of 2021, the
5 Infrastructure Investment and Jobs Act of 2021, and the Inflation
6 Reduction Act of 2022.

7 § 3. Paragraph (b) of subdivision 2 of section 1676 of the public
8 authorities law is amended by adding a new undesignated paragraph to
9 read as follows:

10 Any municipal corporation, subdivision, department or agency thereof,
11 fire district, special district, local agency, industrial development
12 agency, or local development corporation, receiving loans or grants
13 awarded pursuant to: (i) the downtown revitalization program adminis-
14 tered by the department of state and the division of housing and commu-
15 nity renewal for transformative housing, economic development, transpor-
16 tation, and community projects, for the planning, design, construction,
17 reconstruction, improvement, renovation, development, expansion,
18 furnishing, and equipping of such transformative housing, economic
19 development, transportation and community projects for which the recipi-
20 ent received such loans or grants; and (ii) the NY Forward grant program
21 administered by the department of state related to economic development,
22 transportation and community projects, for the planning, design,
23 construction, reconstruction, improvement, renovation, development,
24 expansion, furnishing, and equipping of such economic development,
25 transportation and community projects for which the recipient was
26 awarded such grant.

27 § 4. Subdivision 1 of section 1680 of the public authorities law is
28 amended by adding a new undesignated paragraph to read as follows:

29 Any municipal corporation, subdivision, department or agency thereof,
30 fire district, special district, local agency, industrial development
31 agency, or local development corporation, receiving loans or grants
32 awarded pursuant to: (i) the downtown revitalization program adminis-
33 tered by the department of state and the division of housing and commu-
34 nity renewal for transformative housing, economic development, transpor-
35 tation, and community projects, for the planning, design, construction,
36 reconstruction, improvement, renovation, development, expansion,
37 furnishing, and equipping of such transformative housing, economic
38 development, transportation and community projects for which the recipi-
39 ent received such loans or grants; and (ii) the NY Forward grant program
40 administered by the department of state related to economic development,
41 transportation and community projects, for the planning, design,
42 construction, reconstruction, improvement, renovation, development,
43 expansion, furnishing, and equipping of such economic development,
44 transportation and community projects for which the recipient was
45 awarded such grant.

46 § 5. Subdivision 13-a of section 3 of chapter 359 of the laws of 1968,
47 constituting the health and mental hygiene facilities improvement act,
48 as added by section 1 of chapter 968 of the laws of 1981, is amended to
49 read as follows:

50 13-a. "Municipal building" shall mean [a] any building, structure, or
51 improvement, including, without limitation, infrastructure improvements,
52 including grading or improvement of the site, furnishings, equipment and
53 utility services in conjunction with such [a building, to be principally
54 used for the administrative offices of a municipality or for the storage
55 or repair of maintenance equipment] project. Nothing herein shall be
56 construed to prevent the corporation from entering into an agreement for

1 the design and construction of a local correctional facility in combina-
2 tion with a municipal building.

3 § 6. This act shall take effect immediately.

4

PART V

5 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the
6 public authorities law relating to the powers and duties of the dormito-
7 ry authority of the state of New York relative to the establishment of
8 subsidiaries for certain purposes, as amended by section 1 of part DD of
9 chapter 58 of the laws of 2022, is amended to read as follows:

10 § 2. This act shall take effect immediately and shall expire and be
11 deemed repealed on July 1, [2024] 2027; provided however, that the expi-
12 ration of this act shall not impair or otherwise affect any of the
13 powers, duties, responsibilities, functions, rights or liabilities of
14 any subsidiary duly created pursuant to subdivision twenty-five of
15 section 1678 of the public authorities law prior to such expiration.

16 § 2. This act shall take effect immediately.

17

PART W

18 Section 1. Paragraph (f) of subdivision 1 of section 1977-a of the
19 public authorities law, as amended by section 1 of part EE of chapter 58
20 of the laws of 2023, is amended to read as follows:

21 (f) Additional authorizations. For the purpose of financing capital
22 costs in connection with a program of infrastructure construction,
23 improvements and other capital expenditures for the project area, the
24 authority may, in addition to the authorizations contained elsewhere in
25 this title, borrow money by issuing bonds and notes in an aggregate
26 principal amount not exceeding [one billion five hundred million
27 dollars] two billion five hundred million dollars, plus a principal
28 amount of bonds or notes issued (i) to fund any related debt service
29 reserve fund, (ii) to provide capitalized interest, and (iii) to provide
30 for fees and other charges and expenses including any underwriters'
31 discounts, related to the issuance of such bonds or notes, all as deter-
32 mined by the authority, excluding bonds and notes issued to refund
33 outstanding bonds and notes issued pursuant to this section.

34 § 2. This act shall take effect immediately.

35

PART X

36 Section 1. Subdivision 6 of section 211 of the economic development
37 law, as amended by chapter 294 of the laws of 2019, is amended to read
38 as follows:

39 6. Grants made pursuant to this section shall be subject to the
40 following limitations:

41 (a) no grant shall be made to any one or any consortium of career
42 education agencies and not-for-profit corporations in excess of [one
43 hundred seventy-five] two hundred fifty thousand dollars; and

44 (b) each grant shall be disbursed for payment of the cost of services
45 and expenses of the program director, the instructors of the participat-
46 ing career education agency or not-for-profit corporation, the faculty
47 and support personnel thereof and any other person in the service of
48 providing instruction and counseling in furtherance of the program.

49 § 2. This act shall take effect immediately.

1

PART Y

2 Section 1. The opening paragraph of subdivision (h) of section 121 of
3 chapter 261 of the laws of 1988, amending the state finance law and
4 other laws relating to the New York state infrastructure trust fund, as
5 amended by chapter 96 of the laws of 2019, is amended to read as
6 follows:

7 The provisions of sections sixty-two through sixty-six of this act
8 shall expire and be deemed repealed on December thirty-first, two thou-
9 sand [twenty-four] ~~twenty-nine~~, except that:
10 § 2. This act shall take effect immediately.

11

PART Z

12 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
13 of the laws of 1968 constituting the New York state urban development
14 corporation act, as amended by section 1 of part JJ of chapter 58 of the
15 laws of 2023, is amended to read as follows:

16 3. The provisions of this section shall expire, notwithstanding any
17 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
18 the laws of 1996 or of any other law, on July 1, [2024] 2027.
19 § 2. This act shall take effect immediately.

20

PART AA

21 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
22 New York state urban development corporation act, relating to the powers
23 of the New York state urban development corporation to make loans, as
24 amended by section 1 of part GG of chapter 58 of the laws of 2023, is
25 amended to read as follows:

26 § 2. This act shall take effect immediately provided, however, that
27 section one of this act shall expire on July 1, [2024] 2027, at which
28 time the provisions of subdivision 26 of section 5 of the New York state
29 urban development corporation act shall be deemed repealed; provided,
30 however, that neither the expiration nor the repeal of such subdivision
31 as provided for herein shall be deemed to affect or impair in any manner
32 any loan made pursuant to the authority of such subdivision prior to
33 such expiration and repeal.

34 § 2. This act shall take effect immediately.

35

PART BB

36 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the
37 insurance law and the public health law relating to the New York state
38 health insurance continuation assistance demonstration project, as
39 amended by section 1 of part U of chapter 58 of the laws of 2023, is
40 amended to read as follows:

41 § 4. This act shall take effect on the sixtieth day after it shall
42 have become a law; provided, however, that this act shall remain in
43 effect until July 1, [2024] 2025 when upon such date the provisions of
44 this act shall expire and be deemed repealed; provided, further, that a
45 displaced worker shall be eligible for continuation assistance retroac-
46 tive to July 1, 2004.

47 § 2. This act shall take effect immediately.

48

PART CC

1 Section 1. The banking law is amended by adding a new article 14-B to
2 read as follows:

3 ARTICLE XIV-B
4 BUY-NOW-PAY-LATER LENDERS

5 Section 735. Short title.

6 736. Definitions.

7 737. License.

8 738. Conditions precedent to issuing a license; procedure where
9 application is denied.

10 739. License provisions and posting.

11 740. Application for acquisition of control of buy-now-pay-later
12 lender by purchase of stock.

13 741. Ground for revocation or suspension of license; procedure.

14 742. Superintendent authorized to examine.

15 743. Licensee's books and records; reports.

16 744. Acts prohibited.

17 745. Limitation on charges on buy-now-pay-later loans.

18 746. Consumer protections.

19 747. Authority of superintendent.

20 748. Penalties.

21 749. Severability.

22 § 735. Short title. This article shall be known and may be cited as
23 the "Buy Now Pay Later act".

24 § 736. Definitions. As used in this article, the following terms shall
25 have the following meanings:

26 1. "Consumer" means an individual who is a resident of the state of
27 New York.

28 2. "Buy-now-pay-later loan" means credit provided to a consumer in
29 connection with such consumer's particular purchase of goods and/or
30 services, other than a motor vehicle as defined under section one
31 hundred twenty-five of the vehicle and traffic law.

32 3. "Buy-now-pay-later lender" means a person who offers buy-now-pay-
33 later loans in this state. For purposes of the preceding sentence,
34 "offer" means offering to make a buy-now-pay-later loan by extending
35 credit directly to a consumer or operating a platform, software or
36 system with which a consumer interacts and the primary purpose of which
37 is to allow third parties to offer buy-now-pay-later loans, or both. A
38 person who sells goods or services to a consumer and extends credit to
39 such consumer in connection with such consumer's particular purchase of
40 such goods and/or services shall not be considered a buy-now-pay-later
41 lender with respect to such transactions. A person shall not be consid-
42 ered a buy-now-pay-later lender on the basis of isolated, incidental or
43 occasional transactions which otherwise meet the definitions of this
44 section.

45 4. "Exempt organization" means any banking organization or foreign
46 banking corporation licensed by the superintendent or the comptroller of
47 the currency to transact business in this state, national bank, federal
48 savings bank, federal savings and loan association, or federal credit
49 union. Subject to such regulations as may be promulgated by the super-
50 intendent, "exempt organization" may also include any subsidiary of such
51 entities.

52 5. "Licensee" means a person who has been issued a license pursuant to
53 this article.

1 6. "Person" means an individual, partnership, corporation, association
2 or any other business organization.

3 § 737. License. 1. No person or other entity, except an exempt organ-
4 ization as defined in this article, shall act as a buy-now-pay-later
5 lender without first obtaining a license from the superintendent.

6 2. An application for a license shall be in writing, under oath, and
7 in the form and containing such information as the superintendent may
8 require.

9 3. At the time of filing an application for a license, the applicant
10 shall pay to the superintendent a fee as prescribed pursuant to section
11 eighteen-a of this chapter.

12 4. A license granted pursuant to this article shall be valid unless
13 revoked or suspended by the superintendent or unless surrendered by the
14 licensee and accepted by the superintendent.

15 5. In connection with an application for a license, the applicant
16 shall submit an affidavit of financial solvency noting such capitaliza-
17 tion requirements and access to such credit as may be prescribed by the
18 regulations of the superintendent.

19 § 738. Conditions precedent to issuing a license; procedure where
20 application is denied. 1. After the filing of an application for a
21 license accompanied by payment of the fee pursuant to subdivision three
22 of section seven hundred thirty-seven of this article, it shall be
23 substantively reviewed. After the application is deemed sufficient and
24 complete, if the superintendent finds that the financial responsibility,
25 including meeting any capital requirements as established pursuant to
26 subdivision three of this section, experience, character and general
27 fitness of the applicant or any person associated with the applicant are
28 such as to command the confidence of the community and to warrant the
29 belief that the business will be conducted honestly, fairly and effi-
30 ciently within the purposes and intent of this article, the superinten-
31 dent shall issue the license. For the purpose of this subdivision, the
32 applicant shall be deemed to include all the members of the applicant if
33 it is a partnership or unincorporated association or organization, and
34 all the stockholders, officers and directors of the applicant if it is a
35 corporation.

36 2. If the superintendent refuses to issue a license, the superinten-
37 dent shall notify the applicant of the denial and retain the fee paid
38 pursuant to subdivision three of section seven hundred thirty-seven of
39 this article.

40 3. The superintendent may issue regulations setting capital require-
41 ments to ensure the solvency and financial integrity of licensees and
42 their ongoing operations, taking into account the risks, volume of busi-
43 ness, complexity, and other relevant factors regarding such licensees.
44 Further, the superintendent may issue rules and regulations prescribing
45 a methodology to calculate capital requirements with respect to licen-
46 sees or categories thereof.

47 § 739. License provisions and posting. 1. A license issued under this
48 article shall state the name and address of the licensee, and if the
49 licensee be a co-partnership or association, the names of the members
50 thereof, and if a corporation the date and place of its incorporation.

51 2. Such license shall be kept conspicuously posted on the mobile
52 application, website, or other consumer interface of the licensee, as
53 well as listed in the terms and conditions of any buy-now-pay-later loan
54 offered or entered into by the licensee. The superintendent may provide
55 by regulation an alternative form of notice of licensure.

1 3. A license issued under this article shall not be transferable or
2 assignable.

3 § 740. Application for acquisition of control of buy-now-pay-later
4 lender by purchase of stock. 1. It shall be unlawful except with the
5 prior approval of the superintendent for any action to be taken which
6 results in a change of control of the business of a licensee. Prior to
7 any change of control, the person desirous of acquiring control of the
8 business of a licensee shall make written application to the superinten-
9 dent and pay an investigation fee as prescribed pursuant to section
10 eighteen-a of this chapter to the superintendent. The application shall
11 contain such information as the superintendent, by regulation, may
12 prescribe as necessary or appropriate for the purpose of making the
13 determination required by subdivision two of this section.

14 2. The superintendent shall approve or disapprove the proposed change
15 of control of a licensee in accordance with the provisions of section
16 seven hundred thirty-eight of this article.

17 3. For a period of six months from the date of qualification thereof
18 and for such additional period of time as the superintendent may
19 prescribe, in writing, the provisions of subdivisions one and two of
20 this section shall not apply to a transfer of control by operation of
21 law to the legal representative, as hereinafter defined, of one who has
22 control of a licensee. Thereafter, such legal representative shall
23 comply with the provisions of subdivisions one and two of this section.
24 The provisions of subdivisions one and two of this section shall be
25 applicable to an application made under such section by a legal repre-
26 sentative.

27 4. The term "legal representative," for the purposes of this section,
28 shall mean one duly appointed by a court of competent jurisdiction to
29 act as executor, administrator, trustee, committee, conservator or
30 receiver, including one who succeeds a legal representative and one
31 acting in an ancillary capacity thereto in accordance with the
32 provisions of such court appointment.

33 5. As used in this section, the term "control" means the possession,
34 directly or indirectly, of the power to direct or cause the direction of
35 the management and policies of a licensee, whether through the ownership
36 of voting stock of such licensee, the ownership of voting stock of any
37 person which possesses such power or otherwise. Control shall be
38 presumed to exist if any person, directly or indirectly, owns, controls
39 or holds with power to vote ten per centum or more of the voting stock
40 of any licensee or of any person which owns, controls or holds with
41 power to vote ten per centum or more of the voting stock of any licen-
42 see, but no person shall be deemed to control a licensee solely by
43 reason of being an officer or director of such licensee or person. The
44 superintendent may in the superintendent's discretion, upon the applica-
45 tion of a licensee or any person who, directly or indirectly, owns,
46 controls or holds with power to vote or seeks to own, control or hold
47 with power to vote any voting stock of such licensee, determine whether
48 or not the ownership, control or holding of such voting stock consti-
49 tutes or would constitute control of such licensee for purposes of this
50 section.

51 § 741. Ground for revocation or suspension of license; procedure. 1. A
52 license granted pursuant to this section shall be revoked or suspended
53 by the superintendent upon a finding that:

54 (a) The licensee has violated any applicable law or regulation;

1 (b) Any fact or condition exists which, if it had existed at the time
2 of the original application for such license, clearly would have
3 warranted the superintendent's refusal to issue such license; or

4 (c) The licensee has failed to pay any sum of money lawfully demanded
5 by the superintendent or to comply with any demand, ruling or require-
6 ment of the superintendent.

7 2. Any licensee may surrender any license by delivering to the super-
8 intendent written notice that the licensee thereby surrenders such
9 license. Such surrender shall be effective upon its acceptance by the
10 superintendent, and shall not affect such licensee's civil or criminal
11 liability for acts committed prior to such surrender.

12 3. Every license issued hereunder shall remain in force and effect
13 until the same shall have been surrendered, revoked or suspended, in
14 accordance with the provisions of this article, but the superintendent
15 shall have authority to reinstate suspended licenses or to issue a new
16 license to a licensee whose license has been revoked if no fact or
17 condition then exists which clearly would have warranted the superinten-
18 dent's refusal to issue such license.

19 4. Whenever the superintendent shall revoke or suspend a license
20 issued pursuant to this article, the superintendent shall forthwith
21 execute a written order to that effect, which order may be reviewed in
22 the manner provided by article seventy-eight of the civil practice law
23 and rules. Such special proceeding for review as authorized by this
24 section must be commenced within thirty days from the date of such order
25 of suspension or revocation.

26 5. The superintendent may, for good cause, without notice and a hear-
27 ing, suspend any license issued pursuant to this article for a period
28 not exceeding thirty days, pending investigation. "Good cause," as used
29 in this subdivision, shall exist only when the licensee has engaged in
30 or is likely to engage in a practice prohibited by this article or the
31 regulations promulgated thereunder or engages in dishonest or inequita-
32 ble practices which may cause substantial harm to the public.

33 § 742. Superintendent authorized to examine. 1. The superintendent
34 shall have the power to make such investigations as the superintendent
35 shall deem necessary to determine whether any buy-now-pay-later lender
36 or any other person has violated any of the provisions of this article
37 or any other applicable law, or whether any licensee has conducted
38 itself in such manner as would justify the revocation of its license,
39 and to the extent necessary therefor, the superintendent may require the
40 attendance of and examine any person under oath, and shall have the
41 power to compel the production of all relevant books, records, accounts,
42 and documents.

43 2. The superintendent shall have the power to make such examinations
44 of the books, records, accounts and documents used in the business of
45 any licensee as the superintendent shall deem necessary to determine
46 whether any such licensee has violated any of the provisions of this
47 chapter or any other applicable law or to secure information lawfully
48 required by the superintendent.

49 § 743. Licensee's books and records; reports. 1. A buy-now-pay-later
50 lender shall keep and use in its business such books, accounts and
51 records as will enable the superintendent to determine whether such
52 buy-now-pay-later lender is complying with the provisions of this arti-
53 cle and with the rules and regulations lawfully made by the superinten-
54 dent hereunder. Every buy-now-pay-later lender shall preserve such
55 books, accounts and records for at least six years after making the
56 final entry in respect to any buy-now-pay-later loan recorded therein;

1 provided, however, the preservation of photographic or digital repro-
2 ductions thereof or records in photographic or digital form shall consti-
3 tute compliance with this requirement.

4 2. By a date to be set by the superintendent, each licensee shall
5 annually file a report with the superintendent giving such information
6 as the superintendent may require concerning the licensee's business and
7 operations during the preceding calendar year within the state under the
8 authority of this article. Such report shall be subscribed and affirmed
9 as true by the licensee under the penalties of perjury and be in the
10 form prescribed by the superintendent. In addition to such annual
11 reports, the superintendent may require of licensees such additional
12 regular or special reports as the superintendent may deem necessary to
13 the proper supervision of licensees under this article. Such additional
14 reports shall be in the form prescribed by the superintendent and shall
15 be subscribed and affirmed as true under the penalties of perjury.

16 § 744. Acts prohibited. 1. No buy-now-pay-later lender shall take or
17 cause to be taken any confession of judgment or any power of attorney to
18 confess judgment or to appear for the consumer in a judicial proceeding.

19 2. No buy-now-pay-later lender shall make or cause to be made an
20 advertisement for a buy-now-pay-later loan that is false, misleading, or
21 deceptive.

22 § 745. Limitation on charges on buy-now-pay-later loans. No buy-now-
23 pay-later lender shall directly or indirectly charge, contract for, or
24 receive any interest, discount, or consideration upon a buy-now-pay-la-
25 ter loan greater than the rate permitted by section 5-501 of the general
26 obligations law.

27 § 746. Consumer protections. 1. Disclosures. A buy-now-pay-later lend-
28 er shall disclose or cause to be disclosed to consumers the terms of
29 buy-now-pay-later loans, including the cost, such as interest and fees,
30 repayment schedule, and other material conditions, in a clear and
31 conspicuous manner.

32 2. Ability to repay. Subject to regulations to be promulgated by the
33 superintendent, a buy-now-pay-later lender shall, before providing or
34 causing to be provided a buy-now-pay-later loan to a consumer, make, or
35 cause to be made, a reasonable determination that such consumer has the
36 ability to repay the buy-now-pay-later loan.

37 3. Credit reporting. A buy-now-pay-later lender shall maintain or
38 cause to be maintained policies and procedures for maintaining accurate
39 data that may be reported to credit reporting agencies. The superinten-
40 dent may issue regulations requiring that buy-now-pay-later lenders
41 report or cause to be reported data on buy-now-pay-later loans to
42 consumer reporting agencies, requiring that such reporting occur in a
43 particular manner, or prohibiting such reporting.

44 4. Returns, refunds and credits. A buy-now-pay-later lender shall
45 handle or cause to be handled returns of and refunds and credits for
46 goods or services purchased in connection with a buy-now-pay-later loan
47 in a manner that is fair, transparent, and not unduly burdensome to
48 consumers. A buy-now-pay-later lender shall maintain or cause to be
49 maintained policies and procedures regarding such handling of returns,
50 refunds, and credits. A buy-now-pay-later lender shall disclose or cause
51 to be disclosed to consumers in a clear and conspicuous manner the proc-
52 ess by which they can return and obtain refunds or credits for goods or
53 services they have purchased with a buy-now-pay-later loan.

54 5. Consumer disputes. A buy-now-pay-later lender shall resolve or
55 cause to be resolved disputes in a manner that is fair and transparent
56 to consumers. A buy-now-pay-later lender shall create or cause to be

1 created a readily available and prominently disclosed method for consum-
2 ers to bring a dispute to the buy-now-pay-later lender. A buy-now-pay-
3 later lender shall maintain policies and procedures for handling consum-
4 er disputes.

5 6. Penalties and fees. No buy-now-pay-later lender shall charge or
6 cause to be charged to a consumer an unfair, abusive, or excessive
7 penalty or fee in connection with a buy-now-pay-later loan. For purposes
8 of this subsection: (a) unfair shall mean causing substantial injury to
9 consumers that is not reasonably avoidable by consumers, where such
10 substantial injury is not outweighed by countervailing benefits to
11 consumers or to competition; (b) abusive shall mean materially interfer-
12 ing with the ability of a consumer to understand a term or condition of
13 a consumer financial product or service; or taking unreasonable advan-
14 tage of (i) a lack of understanding on the part of the consumer of the
15 material risks, costs, or conditions of the product or service; (ii) the
16 inability of the consumer to protect the interests of the consumer in
17 selecting or using a consumer financial product or service; or (iii) the
18 reasonable reliance by the consumer on a buy-now-pay-later lender to act
19 in the interests of the consumer; and (c) excessive shall mean greater
20 than is reasonably necessary, considering the cost incurred by the buy-
21 now-pay-later lender in providing any services associated with such
22 penalty or fee, the competitive position of the buy-now-pay-later lend-
23 er, and the maintenance of a safe and sound buy-now-pay-later lender
24 that protects the public interest.

25 7. Use of consumer data. A buy-now-pay-later lender shall clearly and
26 conspicuously disclose or cause to be disclosed to a consumer to which
27 it provides a loan how such consumer's data may be used by the buy-now-
28 pay-later lender and provide the consumer the opportunity to provide or
29 withdraw consent to such use. The superintendent, in their discretion,
30 may by regulation prohibit certain uses of consumer data if such use
31 poses an undue risk to consumers.

32 8. Unauthorized use. The superintendent may issue rules and regu-
33 lations regarding treatment of unauthorized use, so that consumers are
34 liable for use of buy-now-pay-later loans in their name only under
35 circumstances where such liability would be fair and reasonable.

36 9. Void buy-now-pay-later loans. Any buy-now-pay-later loan made by a
37 person not licensed under this article, other than an exempt organiza-
38 tion, shall be void, and such person shall have no right to collect or
39 receive any principal, interest or charge whatsoever.

40 § 747. Authority of superintendent. The superintendent is authorized
41 to promulgate such general rules and regulations as may be appropriate,
42 in their sole discretion, to implement the provisions of this article,
43 protect consumers, and ensure the solvency and financial integrity of
44 buy-now-pay-later lenders. The superintendent is further authorized to
45 make such specific rulings, demands, and findings as may be necessary
46 for the proper conduct of the business authorized and licensed under and
47 for the enforcement of this article, in addition hereto and not incon-
48 sistent herewith.

49 § 748. Penalties. 1. Any person, including any member, officer, direc-
50 tor or employee of a buy-now-pay-later lender, who violates or partic-
51 ipates in the violation of section seven hundred thirty-seven of this
52 article, or who knowingly makes any incorrect statement of a material
53 fact in any application, report or statement filed pursuant to this
54 article, or who knowingly omits to state any material fact necessary to
55 give the superintendent any information lawfully required by the super-
56 intendent or refuses to permit any lawful investigation or examination,

1 shall be guilty of a misdemeanor and, upon conviction, shall be fined
2 not more than five hundred dollars or imprisoned for not more than six
3 months or both, in the discretion of the court.

4 2. Without limiting any power granted to the superintendent under any
5 other provision of this chapter, the superintendent may, in a proceeding
6 after notice and a hearing require a buy-now-pay-later lender, whether
7 or not a licensee, to pay to the people of this state a penalty for any
8 violation of this chapter, any regulation promulgated thereunder, any
9 final or temporary order issued pursuant to section thirty-nine of this
10 chapter, any condition imposed in writing by the superintendent in
11 connection with the grant of any application or request, or any written
12 agreement entered into with the superintendent, and for knowingly making
13 any incorrect statement of a material fact in any application, report or
14 statement filed pursuant to this article, or knowingly omitting to state
15 any material fact necessary to give the superintendent any information
16 lawfully required by the superintendent or refusing to permit any lawful
17 investigation or examination. As to any buy-now-pay-later lender that is
18 not a licensee or an exempt organization, the superintendent is author-
19 ized to impose a penalty in the same amount authorized in section
20 forty-four of this chapter for a violation of this chapter by any person
21 licensed, certified, registered, authorized, chartered, accredited,
22 incorporated or otherwise approved by the superintendent pursuant to
23 this chapter.

24 3. No buy-now-pay-later lender shall make, directly or indirectly,
25 orally or in writing, or by any method, practice or device, a represen-
26 tation that such buy-now-pay-later lender is licensed under the banking
27 law except that a licensee under this chapter may make a representation
28 that the licensee is licensed as a buy-now-pay-later lender under this
29 chapter.

30 § 749. 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. Subdivision 1 of section 36 of the banking law, as amended by
37 chapter 146 of the laws of 1961, is amended to read as follows:

38 1. The superintendent shall have the power to examine every banking
39 organization, every bank holding company and any non-banking subsidiary
40 thereof (as such terms "bank holding company" and "non-banking subsid-
41 iary" are defined in article three-A of this chapter) and every licensed
42 lender and licensed buy-now-pay-later lender at any time prior to its
43 dissolution whenever in his judgment such examination is necessary or
44 advisable.

45 § 3. Subdivision 10 of section 36 of the banking law, as amended by
46 section 2 of part L of chapter 58 of the laws of 2019, is amended to
47 read as follows:

48 10. All reports of examinations and investigations, correspondence and
49 memoranda concerning or arising out of such examination and investi-
50 gations, including any duly authenticated copy or copies thereof in the
51 possession of any banking organization, bank holding company or any
52 subsidiary thereof (as such terms "bank holding company" and "subsid-
53 iary" are defined in article three-A of this chapter), any corporation
54 or any other entity affiliated with a banking organization within the
55 meaning of subdivision six of this section and any non-banking subsid-
56 iary of a corporation or any other entity which is an affiliate of a

1 banking organization within the meaning of subdivision six-a of this
2 section, foreign banking corporation, licensed lender, licensed buy-now-
3 pay-later lender, licensed cashier of checks, licensed mortgage banker,
4 registered mortgage broker, licensed mortgage loan originator, licensed
5 sales finance company, registered mortgage loan servicer, licensed
6 student loan servicer, licensed insurance premium finance agency,
7 licensed transmitter of money, licensed budget planner, any other person
8 or entity subject to supervision under this chapter, or the department,
9 shall be confidential communications, shall not be subject to subpoena
10 and shall not be made public unless, in the judgment of the superinten-
11 dent, the ends of justice and the public advantage will be subserved by
12 the publication thereof, in which event the superintendent may publish
13 or authorize the publication of a copy of any such report or any part
14 thereof in such manner as may be deemed proper or unless such laws
15 specifically authorize such disclosure. For the purposes of this subdi-
16 vision, "reports of examinations and investigations, and any correspond-
17 ence and memoranda concerning or arising out of such examinations and
18 investigations", includes any such materials of a bank, insurance or
19 securities regulatory agency or any unit of the federal government or
20 that of this state any other state or that of any foreign government
21 which are considered confidential by such agency or unit and which are
22 in the possession of the department or which are otherwise confidential
23 materials that have been shared by the department with any such agency
24 or unit and are in the possession of such agency or unit.

25 § 4. Subdivisions 3 and 5 of section 37 of the banking law, as amended
26 by chapter 360 of the laws of 1984, are amended to read as follows:

27 3. In addition to any reports expressly required by this chapter to be
28 made, the superintendent may require any banking organization, licensed
29 lender, licensed buy-now-pay-later lender, licensed cashier of checks,
30 licensed mortgage banker, foreign banking corporation licensed by the
31 superintendent to do business in this state, bank holding company and
32 any non-banking subsidiary thereof, corporate affiliate of a corporate
33 banking organization within the meaning of subdivision six of section
34 thirty-six of this article and any non-banking subsidiary of a corpo-
35 ration which is an affiliate of a corporate banking organization within
36 the meaning of subdivision six-a of section thirty-six of this article
37 to make special reports to him at such times as he may prescribe.

38 5. The superintendent may extend at his discretion the time within
39 which a banking organization, foreign banking corporation licensed by
40 the superintendent to do business in this state, bank holding company or
41 any non-banking subsidiary thereof, licensed cashier of checks, licensed
42 mortgage banker, private banker, licensed buy-now-pay-later lender or
43 licensed lender is required to make and file any report to the super-
44 intendent.

45 § 5. Section 39 of the banking law, as amended by section 3 of part L
46 of chapter 58 of the laws of 2019, is amended to read as follows:

47 § 39. Orders of superintendent. 1. To appear and explain an apparent
48 violation. Whenever it shall appear to the superintendent that any bank-
49 ing organization, bank holding company, registered mortgage broker,
50 licensed mortgage banker, licensed student loan servicer, registered
51 mortgage loan servicer, licensed mortgage loan originator, licensed
52 lender, licensed buy-now-pay-later lender, licensed cashier of checks,
53 licensed sales finance company, licensed insurance premium finance agen-
54 cy, licensed transmitter of money, licensed budget planner, out-of-state
55 state bank that maintains a branch or branches or representative or
56 other offices in this state, or foreign banking corporation licensed by

1 the superintendent to do business or maintain a representative office in
2 this state has violated any law or regulation, he or she may, in his or
3 her discretion, issue an order describing such apparent violation and
4 requiring such banking organization, bank holding company, registered
5 mortgage broker, licensed mortgage banker, licensed student loan servi-
6 cer, licensed mortgage loan originator, licensed lender, licensed buy-
7 now-pay-later lender, licensed cashier of checks, licensed sales finance
8 company, licensed insurance premium finance agency, licensed transmitter
9 of money, licensed budget planner, out-of-state state bank that main-
10 tains a branch or branches or representative or other offices in this
11 state, or foreign banking corporation to appear before him or her, at a
12 time and place fixed in said order, to present an explanation of such
13 apparent violation.

14 2. To discontinue unauthorized or unsafe and unsound practices. When-
15 ever it shall appear to the superintendent that any banking organiza-
16 tion, bank holding company, registered mortgage broker, licensed mort-
17 gage banker, licensed student loan servicer, registered mortgage loan
18 servicer, licensed mortgage loan originator, licensed lender, licensed
19 buy-now-pay-later lender, licensed cashier of checks, licensed sales
20 finance company, licensed insurance premium finance agency, licensed
21 transmitter of money, licensed budget planner, out-of-state state bank
22 that maintains a branch or branches or representative or other offices
23 in this state, or foreign banking corporation licensed by the super-
24 intendent to do business in this state is conducting business in an
25 unauthorized or unsafe and unsound manner, he or she may, in his or her
26 discretion, issue an order directing the discontinuance of such unau-
27 thorized or unsafe and unsound practices, and fixing a time and place at
28 which such banking organization, bank holding company, registered mort-
29 gage broker, licensed mortgage banker, licensed student loan servicer,
30 registered mortgage loan servicer, licensed mortgage loan originator,
31 licensed lender, licensed buy-now-pay-later licensed, licensed cashier of
32 checks, licensed sales finance company, licensed insurance premium
33 finance agency, licensed transmitter of money, licensed budget planner,
34 out-of-state state bank that maintains a branch or branches or represen-
35 tative or other offices in this state, or foreign banking corporation
36 may voluntarily appear before him or her to present any explanation in
37 defense of the practices directed in said order to be discontinued.

38 3. To make good impairment of capital or to ensure compliance with
39 financial requirements. Whenever it shall appear to the superintendent
40 that the capital or capital stock of any banking organization, bank
41 holding company or any subsidiary thereof which is organized, licensed
42 or registered pursuant to this chapter, is impaired, or the financial
43 requirements imposed by subdivision one of section two hundred two-b of
44 this chapter or any regulation of the superintendent on any branch or
45 agency of a foreign banking corporation or the financial requirements
46 imposed by this chapter or any regulation of the superintendent on any
47 licensed lender, licensed buy-now-pay-later lender, registered mortgage
48 broker, licensed mortgage banker, licensed student loan servicer,
49 licensed cashier of checks, licensed sales finance company, licensed
50 insurance premium finance agency, licensed transmitter of money,
51 licensed budget planner or private banker are not satisfied, the super-
52 intendent may, in the superintendent's discretion, issue an order
53 directing that such banking organization, bank holding company, branch
54 or agency of a foreign banking corporation, registered mortgage broker,
55 licensed mortgage banker, licensed student loan servicer, licensed lend-
56 er, licensed buy-now-pay-later lender, licensed cashier of checks,

1 licensed sales finance company, licensed insurance premium finance agen-
2 cy, licensed transmitter of money, licensed budget planner, or private
3 banker make good such deficiency forthwith or within a time specified in
4 such order.

5 4. To make good encroachments on reserves. Whenever it shall appear to
6 the superintendent that either the total reserves or reserves on hand of
7 any banking organization, branch or agency of a foreign banking corpo-
8 ration are below the amount required by or pursuant to this chapter or
9 any other applicable provision of law or regulation to be maintained, or
10 that such banking organization, branch or agency of a foreign banking
11 corporation is not keeping its reserves on hand as required by this
12 chapter or any other applicable provision of law or regulation, he or
13 she may, in his or her discretion, issue an order directing that such
14 banking organization, branch or agency of a foreign banking corporation
15 make good such reserves forthwith or within a time specified in such
16 order, or that it keep its reserves on hand as required by this chapter.

17 5. To keep books and accounts as prescribed. Whenever it shall appear
18 to the superintendent that any banking organization, bank holding compa-
19 ny, registered mortgage broker, licensed mortgage banker, licensed
20 student loan servicer, registered mortgage loan servicer, licensed mort-
21 gage loan originator, licensed lender, licensed buy-now-pay-later lend-
22 er, licensed cashier of checks, licensed sales finance company, licensed
23 insurance premium finance agency, licensed transmitter of money,
24 licensed budget planner, agency or branch of a foreign banking corpo-
25 ration licensed by the superintendent to do business in this state, does
26 not keep its books and accounts in such manner as to enable him or her
27 to readily ascertain its true condition, he or she may, in his or her
28 discretion, issue an order requiring such banking organization, bank
29 holding company, registered mortgage broker, licensed mortgage banker,
30 licensed student loan servicer, registered mortgage loan servicer,
31 licensed mortgage loan originator, licensed lender, licensed buy-now-
32 pay-later lender, licensed cashier of checks, licensed sales finance
33 company, licensed insurance premium finance agency, licensed transmitter
34 of money, licensed budget planner, or foreign banking corporation, or
35 the officers or agents thereof, or any of them, to open and keep such
36 books or accounts as he or she may, in his or her discretion, determine
37 and prescribe for the purpose of keeping accurate and convenient records
38 of its transactions and accounts.

39 6. As used in this section, "bank holding company" shall have the same
40 meaning as that term is defined in section one hundred forty-one of this
41 chapter.

42 § 6. Subdivision 1 of section 42 of the banking law, as amended by
43 chapter 65 of the laws of 1948, is amended to read as follows:

44 1. The name and the location of the principal office of every proposed
45 corporation, private banker, licensed lender, licensed buy-now-pay-later
46 lender and licensed cashier of checks, the organization certificate,
47 private banker's certificate or application for license of which has
48 been filed for examination, and the date of such filing.

49 § 7. Subdivision 2 of section 42 of the banking law, as amended by
50 chapter 553 of the laws of 1960, is amended to read as follows:

51 2. The name and location of every licensed lender, licensed buy-now-
52 pay-later lender and licensed cashier of checks, and the name, location,
53 amount of capital stock or permanent capital and amount of surplus of
54 every corporation and private banker and the minimum assets required of
55 every branch of a foreign banking corporation authorized to commence
56 business, and the date of authorization or licensing.

1 § 8. Subdivision 3 of section 42 of the banking law, as amended by
2 chapter 553 of the laws of 1960, is amended to read as follows:

3 3. The name of every proposed corporation, private banker, branch of a
4 foreign banking corporation, licensed lender, licensed buy-now-pay-later
5 lender and licensed casher of checks to which a certificate of authori-
6 zation or a license has been refused and the date of notice of refusal.

7 § 9. Subdivision 4 of section 42 of the banking law, as amended by
8 chapter 60 of the laws of 1957, is amended to read as follows:

9 4. The name and location of every private banker, licensed lender,
10 licensed casher of checks, sales finance company, licensed buy-now-pay-
11 later lender and foreign corporation the authorization certificate or
12 license of which has been revoked, and the date of such revocation.

13 § 10. Subdivision 5 of section 42 of the banking law, as amended by
14 chapter 249 of the laws of 1968, is amended to read as follows:

15 5. The name of every banking organization, licensed lender, licensed
16 casher of checks, licensed buy-now-pay-later lender and foreign corpo-
17 ration which has applied for leave to change its place or one of its
18 places of business and the places from and to which the change is
19 proposed to be made; the name of every banking organization which has
20 applied to change the designation of its principal office to a branch
21 office and to change the designation of one of its branch offices to its
22 principal office, and the location of the principal office which is
23 proposed to be redesignated as a branch office and of the branch office
24 which is proposed to be redesignated as the principal office.

25 § 11. Subdivision 6 of section 42 of the banking law, as amended by
26 chapter 249 of the laws of 1968, is amended to read as follows:

27 6. The name of every banking organization, licensed lender, licensed
28 casher of checks, licensed buy-now-pay-later lender and foreign corpo-
29 ration authorized to change its place or one of its places of business
30 and the date when and the places from and to which the change is author-
31 ized to be made; the name of every banking organization authorized to
32 change the designation of its principal office to a branch office and to
33 change the designation of a branch office to its principal office, the
34 location of the redesignated principal office and of the redesignated
35 branch office, and the date of such change.

36 § 12. Paragraph (a) of subdivision 1 of section 44 of the banking law,
37 as amended by section 4 of part L of chapter 58 of the laws of 2019, is
38 amended to read as follows:

39 (a) Without limiting any power granted to the superintendent under any
40 other provision of this chapter, the superintendent may, in a proceeding
41 after notice and a hearing, require any safe deposit company, licensed
42 lender, licensed buy-now-pay-later lender licensed casher of checks,
43 licensed sales finance company, licensed insurance premium finance agen-
44 cy, licensed transmitter of money, licensed mortgage banker, licensed
45 student loan servicer, registered mortgage broker, licensed mortgage
46 loan originator, registered mortgage loan servicer or licensed budget
47 planner to pay to the people of this state a penalty for any violation
48 of this chapter, any regulation promulgated thereunder, any final or
49 temporary order issued pursuant to section thirty-nine of this article,
50 any condition imposed in writing by the superintendent in connection
51 with the grant of any application or request, or any written agreement
52 entered into with the superintendent.

53 § 13. This act shall take effect one year after it shall have become a
54 law. Effective immediately, the addition, amendment and/or repeal of
55 any rule or regulation authorized to be made by the superintendent

1 pursuant to this act is authorized to be made and completed on or before
2 such effective date.

3

PART DD

4 Section 1. Subsection (g) of section 3420 of the insurance law, as
5 amended by chapter 735 of the laws of 2022, is amended to read as
6 follows:

7 (g) (1) Except as otherwise provided in paragraph two of this
8 subsection, no policy or contract shall be deemed to insure against any
9 liability of an insured because of death of or injuries to [his or her]
10 the insured's spouse or because of injury to, or destruction of property
11 of [his or her] the insured's spouse unless express provision relating
12 specifically thereto is included in the policy. This exclusion shall
13 apply only where the injured spouse, to be entitled to recover, must
14 prove the culpable conduct of the insured spouse.

15 (2) (A) [Every] (i) Upon payment of a reasonable premium established
16 in accordance with article twenty-three of this chapter, an insurer
17 issuing or delivering any policy that satisfies the requirements of
18 article six of the vehicle and traffic law and is subject to section
19 three thousand four hundred twenty-five of this article shall provide
20 coverage in such a policy issued to a first named insured who has indi-
21 cated that such insured has a spouse on the insurance application,
22 against liability of an insured because of death of or injuries to [his
23 or her] the insured's spouse up to the liability insurance limits
24 provided under such policy even where the injured spouse, to be entitled
25 to recover, must prove the culpable conduct of the insured spouse,
26 unless [the] a first named insured elects, in writing and in such form
27 as the superintendent determines, to decline and refuse such coverage in
28 [his or her] the first named insured's policy. Such insurance coverage
29 shall be known as "supplemental spousal liability insurance".

30 (ii) Upon written request of an insured, and upon payment of a reason-
31 able premium established in accordance with article twenty-three of this
32 chapter, an insurer issuing or delivering any policy that satisfies the
33 requirements of article six of the vehicle and traffic law, other than
34 as specified in clause (i) of this subparagraph, shall provide coverage
35 in such a policy against liability of an insured because of death of or
36 injuries to the insured's spouse up to the liability insurance limits
37 provided under such policy even where the injured spouse, to be entitled
38 to recover, must prove the culpable conduct of the insured spouse.

39 (B) Upon issuance[, renewal or amendment] of a motor vehicle liability
40 policy that satisfies the requirements of article six of the vehicle and
41 traffic law and is subject to section three thousand four hundred twen-
42 ty-five of this article, the insurer shall notify [the] a first named
43 insured who has indicated that such insured has a spouse on the insur-
44 ance application, in writing, that such policy shall include supple-
45 mental spousal liability insurance unless [the] a first named insured
46 declines and refuses such insurance, in writing and in such form as
47 shall be determined by the superintendent. Such notification shall be
48 contained on the front of the premium notice in boldface type and
49 include a concise statement that [supplementary] supplemental spousal
50 coverage is provided unless declined by [the] a first named insured, an
51 explanation of such coverage, and the insurer's premium for such cover-
52 age.

53 (C) A notification of the availability of supplemental spousal liabil-
54 ity insurance shall be provided upon policy issuance, other than for the

1 policies to which the notification requirement in subparagraph (B) of
2 this paragraph applies, and at least once a year for all motor vehicle
3 liability policies that satisfy the requirements of article six of the
4 vehicle and traffic law, where the policy does not already provide
5 supplemental spousal liability insurance. Such notice shall be
6 contained on the front of the premium notice in boldface type and
7 include a concise statement that supplemental spousal liability coverage
8 is available, an explanation of such coverage, and the insurer's premium
9 for such coverage.

10 § 2. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law; provided, however that the amendments to
12 subsection (g) of section 3420 of the insurance law made by section one
13 of this act shall be subject to the expiration and reversion of such
14 subsection pursuant to section 2 of chapter 735 of the laws of 2022, as
15 amended.

16 PART EE

17 Section 1. Subparagraph (B) of paragraph 15-a of subsection (i) of
18 section 3216 of the insurance law, as amended by section 1 of part DDD
19 of chapter 56 of the laws of 2020, is amended to read as follows:

20 (B) Such coverage may be subject to annual deductibles and coinsurance
21 as may be deemed appropriate by the superintendent and as are consistent
22 with those established for other benefits within a given policy;
23 provided, however, [the total amount] that [a covered person is required
24 to pay out of pocket for] covered prescription insulin drugs shall [be
25 capped at an amount not to exceed one hundred dollars per thirty-day
26 supply, regardless of the amount or type of insulin needed to fill such
27 covered person's prescription and regardless of the insured's] not be
28 subject to a deductible, copayment, coinsurance or any other cost shar-
29 ing requirement.

30 § 2. Subparagraph (B) of paragraph 7 of subsection (k) of section 3221
31 of the insurance law, as amended by section 2 of part DDD of chapter 56
32 of the laws of 2020, is amended to read as follows:

33 (B) Such coverage may be subject to annual deductibles and coinsurance
34 as may be deemed appropriate by the superintendent and as are consistent
35 with those established for other benefits within a given policy;
36 provided, however, [the total amount] that [a covered person is required
37 to pay out of pocket for] covered prescription insulin drugs shall [be
38 capped at an amount not to exceed one hundred dollars per thirty-day
39 supply, regardless of the amount or type of insulin needed to fill such
40 covered person's prescription and regardless of the insured's] not be
41 subject to a deductible, copayment, coinsurance or any other cost shar-
42 ing requirement.

43 § 3. Paragraph 2 of subsection (u) of section 4303 of the insurance
44 law, as amended by section 3 of part DDD of chapter 56 of the laws of
45 2020, is amended to read as follows:

46 (2) Such coverage may be subject to annual deductibles and coinsurance
47 as may be deemed appropriate by the superintendent and as are consistent
48 with those established for other benefits within a given policy;
49 provided, however, [the total amount] that [a covered person is required
50 to pay out of pocket for] covered prescription insulin drugs shall [be
51 capped at an amount not to exceed one hundred dollars per thirty-day
52 supply, regardless of the amount or type of insulin needed to fill such
53 covered person's prescription and regardless of the insured's] not be

1 subject to a deductible, copayment, coinsurance or any other cost shar-
2 ing requirement.

3 § 4. This act shall take effect January 1, 2025 and shall apply to
4 any policy or contract issued, renewed, modified, altered, or amended on
5 or after such date.

6 PART FF

7 Section 1. The insurance law is amended by adding a new section 3423
8 to read as follows:

9 § 3423. Affordable housing underwriting and rating. (a) Except as
10 provided in subsection (b) of this section, an insurer that issues or
11 delivers in this state insurance covering loss of or damage to real
12 property containing units used for residential purposes shall not
13 inquire about on an application, nor shall an insurer cancel, refuse to
14 issue, refuse to renew, or increase the premium of a policy based on,
15 the following:

16 (1) the level or source of income of an individual or group of indi-
17 viduals residing or intending to reside upon the property to be insured,
18 if the individual or group of individuals is not the owner of the real
19 property;

20 (2) the real property containing any residential dwelling units that
21 must be affordable to residents at a specific income level pursuant to
22 statute, regulations, restrictive declaration, or pursuant to a regula-
23 tory agreement with a state or local government entity; or

24 (3) the real property owner or the residents therein receiving govern-
25 ment housing subsidies, including the receipt of federal vouchers issued
26 under section eight of the United States Housing Act of 1937 (42 U.S.C.
27 § 1437f).

28 (b) Nothing in this section shall prohibit an insurer from refusing to
29 accept an application for, canceling, refusing to issue, refusing to
30 renew, or increasing the premium of, an insurance policy as a result of
31 underwriting or rating factors, except as specified in subsection (a) of
32 this section or as otherwise prohibited by this chapter or any other
33 law.

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

36 PART GG

37 Section 1. The general business law is amended by adding a new article
38 28-G to read as follows:

39 ARTICLE 28-G

40 BATTERIES FOR MICROMOBILITY DEVICES

41 Section 495. Definitions.

42 496. Sale of lithium-ion batteries and second-use lithium-ion
43 batteries.

44 § 495. Definitions. As used in this article, the following terms shall
45 have the following meanings:

46 1. "Lithium-ion battery" means a storage battery in which an elec-
47 trical current is generated by lithium ions embedded in a carbon
48 graphite or nickel metal-oxide substrate placed in a high-viscosity
49 carbonate mixture or gelled polymer electrolyte.

50 2. "Second-use lithium-ion battery" means a lithium-ion battery that
51 has been assembled, refurbished, repaired, repurposed or reconditioned
52 using cells removed from used batteries.

1 3. "Micromobility device" means an electric scooter as defined in
2 section one hundred fourteen-e of the vehicle and traffic law or other
3 personal mobility device powered by a lithium-ion or other storage
4 battery. The term "micromobility device" does not include bicycles with
5 electric assist as defined in section one hundred two-c of the vehicle
6 and traffic law, wheelchairs or other mobility devices designed for use
7 by persons with disabilities, or any vehicle that is capable of being
8 registered with the department of motor vehicles.

9 4. "Accredited testing laboratory" means a nationally recognized test-
10 ing laboratory as recognized by the federal occupational safety and
11 health administration or an independent laboratory that has been certi-
12 fied by an accrediting body to ISO 17025 or ISO 17065.

13 § 496. Sale of lithium-ion batteries and second-use lithium-ion
14 batteries. 1. (a) No person shall distribute, assemble, recondition,
15 sell or offer for sale a lithium-ion battery or a second-use lithium-ion
16 battery intended for use in a bicycle with electric assist as defined in
17 section one hundred two-c of the vehicle and traffic law unless the
18 lithium-ion battery or second-use lithium-ion battery has been certified
19 by an accredited testing laboratory for compliance with a battery stand-
20 ard referenced in UL 2849, UL 2271 or EN 15194, or such other safety
21 standard approved by the department of state pursuant to regulation, and
22 labeled accordingly.

23 (b) No person shall distribute, assemble, recondition, sell or offer
24 for sale a lithium-ion battery or a second-use lithium-ion battery
25 intended for use in a micromobility device unless the lithium-ion
26 battery or second-use lithium-ion battery has been certified by an
27 accredited testing laboratory for compliance with UL 2271 or UL 2272, or
28 such other safety standard approved by the department of state pursuant
29 to regulation, and labeled accordingly.

30 2. A person who violates subdivision one of this section is liable for
31 a civil penalty as follows:

32 (a) for the first violation, a civil penalty of two hundred dollars;
33 and

34 (b) for each subsequent violation issued for the same offense within
35 two years of the date of a first violation, a civil penalty of not more
36 than one thousand dollars.

37 3. Each failure to comply with subdivision one of this section with
38 respect to each separate lithium-ion battery or second-use lithium-ion
39 battery constitutes a separate violation.

40 4. The district attorney, county attorney, and the corporation counsel
41 shall have concurrent authority to seek the relief in this section, and
42 all civil penalties obtained in any such action shall be retained by
43 such municipality or county.

44 5. The department of state may promulgate rules and regulations that
45 provide for any additional acceptable safety standard relating to a
46 lithium-ion battery or second-use lithium-ion battery.

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

49

PART HH

50 Section 1. Paragraph 1 of subsection (c) of section 109 of the insur-
51 ance law, as amended by section 1 of subpart B of part AA of chapter 57
52 of the laws of 2022, is amended to read as follows:

53 (1) (A) If the superintendent finds after notice and hearing that any
54 authorized insurer, representative of the insurer, licensed insurance



1 agent, licensed insurance broker, licensed adjuster, or any other person
2 or entity licensed, certified, registered, or authorized pursuant to
3 this chapter, has willfully violated the provisions of this chapter or
4 any regulation promulgated thereunder or with respect to accident and
5 health insurance, any provision of titles one or two of division BB of
6 the Consolidated Appropriations Act of 2021 (Pub. L. No. 116-260), as
7 may be amended from time-to-time, and any regulations promulgated there-
8 under, then the superintendent may order the person or entity to pay to
9 the people of this state a penalty in a sum not exceeding one thousand
10 dollars for each offense.

11 (B) If the superintendent finds after notice and hearing that any
12 authorized insurer or representative thereof has willfully violated any
13 mental health or substance use disorder provision of this chapter or any
14 regulation promulgated thereunder, or the federal Paul Wellstone and
15 Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (29
16 U.S.C. § 1185a) or any regulation promulgated thereunder, then the
17 superintendent may order the authorized insurer or representative there-
18 of to pay to the people of this state a penalty in a sum not exceeding
19 two thousand dollars for each offense.

20 § 2. This act shall take effect immediately.

21

PART II

22 Section 1. The general business law is amended by adding a new section
23 352-m to read as follows:

24 § 352-m. Protecting eligible adults from exploitation. 1. Definitions.
25 As used in this section the following terms shall have the following
26 meanings:

27 (a) "Adult protective services" means the division of the New York
28 city human resources administration and each county agency responsible
29 for providing adult protective services pursuant to section four hundred
30 seventy-three of the social services law.

31 (b) "Financial exploitation" means: (i) the improper use of an eligi-
32 ble adult's funds, property, income or assets; or (ii) any act or omis-
33 sion by a person, including through the use of a power of attorney,
34 guardianship or any other authority regarding an eligible adult to: (A)
35 obtain control, through deception, intimidation, threats or undue influ-
36 ence over the eligible adult's money, assets, income or property; or

37 (B) convert the eligible adult's money, assets, income or property.

38 (c) "Law enforcement agency" means any agency, which is empowered by
39 law to make an arrest for a felony, and any agency which is authorized
40 by law to prosecute a felony and including any police officer as defined
41 by subdivision thirty-four of section 1.20 of the criminal procedure law
42 and any prosecutor.

43 (d) "Transaction hold" means a delay in the completion of one or more
44 financial transactions pending an investigation by a broker-dealer,
45 investment adviser, or qualified individual, adult protective services,
46 or a law enforcement agency.

47 (e) "Eligible adult" means an individual who is: sixty-five years of
48 age or older; or at least the age of eighteen and who, because of mental
49 or physical impairment, is unable to manage their own resources or
50 protect themselves from financial exploitation without assistance from
51 others.

52 2. Notification. If a broker-dealer, investment adviser, or qualified
53 individual reasonably believes financial exploitation of an eligible
54 adult has occurred, has been attempted, or is being attempted, such

1 broker-dealer, investment adviser, or qualified individual may promptly
2 notify the adult protective services and law enforcement.

3 3. Application of transaction hold. (a) If an employee of a broker-
4 dealer, investment adviser, or qualified individual reasonably believes
5 that financial exploitation of an eligible adult may have occurred, may
6 have been attempted, or is being attempted, then such broker-dealer,
7 investment adviser, or qualified individual may place a transaction hold
8 on such transaction.

9 (b) A broker-dealer, investment adviser, or qualified individual shall
10 apply a transaction hold to a transaction if adult protective services
11 or a law enforcement agency notifies such broker-dealer, investment
12 adviser, or qualified individual that it reasonably believes that the
13 transaction is the subject of or related to financial exploitation of an
14 eligible adult.

15 (c) A broker-dealer, investment adviser, or qualified individual that
16 applies a transaction hold shall: (i) provide notice of such hold, in
17 writing, to all parties authorized to transact business on the account
18 that is the subject of a transaction hold, as well as any designated
19 third party, no later than one business day after the application of the
20 transaction hold; (ii) if the transaction hold has been applied pursuant
21 to paragraph (a) of this subdivision, no later than one business day
22 after application of the transaction hold, report the transaction hold,
23 including the basis for the broker-dealer, investment adviser, or quali-
24 fied individual's belief that the transaction is the subject of or
25 related to financial exploitation of an eligible adult to adult protec-
26 tive services in its district and to a law enforcement agency; and (iii)
27 at the request of adult protective services or a law enforcement agency,
28 provide any information and documents relating to the transaction hold
29 within three business days after the request for such information or
30 documents.

31 4. Duration of transaction hold. A transaction hold shall expire
32 fifteen business days after its application except that (i) a trans-
33 action hold shall be extended for no more than twenty-five additional
34 business days upon request from adult protective services or a law
35 enforcement agency; (ii) at any time, a broker-dealer, investment advis-
36 er, or qualified individual shall release a transaction hold not more
37 than one business day after such broker-dealer, investment adviser, or
38 qualified individual receives notice from adult protective services or
39 the law enforcement agency that requested the transaction hold or to
40 which the broker-dealer, investment adviser, or qualified individual
41 reported the transaction hold, that such agency does not have or no
42 longer has a reasonable basis to believe that the held transaction is
43 the subject of or related to financial exploitation; (iii) if a broker-
44 dealer, investment adviser, or qualified individual no longer reasonably
45 believes that a transaction is the subject of or related to financial
46 exploitation, it may release a transaction hold applied to that trans-
47 action, provided that adult protective services or the law enforcement
48 agency, the broker-dealer, investment adviser, or qualified individual
49 has notified of such hold pursuant to subparagraph (i) of paragraph (c)
50 of subdivision three of this section does not object; (iv) a transaction
51 hold may be extended in accordance with an order issued by a court of
52 competent jurisdiction; and (v) a transaction hold may be terminated at
53 any time pursuant to an order issued by a court of competent jurisdic-
54 tion.

55 5. Records. A broker-dealer or investment adviser shall provide access
56 to or copies of records that are relevant to the suspected or attempted

1 financial exploitation of an eligible adult to law enforcement, either
2 as part of a notification or if it is necessary or appropriate in the
3 public interest and for the protection of the eligible adult. The
4 records may include historical records as well as records relating to
5 the most recent transactions that may comprise financial exploitation of
6 an eligible adult. All records made available to law enforcement shall
7 be considered confidential records and shall not be available for exam-
8 ination by the public.

9 6. Immunity. A broker-dealer, investment adviser, or a qualified indi-
10 vidual shall be immune from criminal, civil, and administrative liabil-
11 ity for good faith actions in relation to the application of this
12 section, including any good faith determination to apply or not apply a
13 transaction hold to a transaction. Notwithstanding the foregoing, such
14 immunity shall not apply to a determination not to impose a transaction
15 hold when the broker-dealer, investment adviser, or qualified individual
16 engages in intentional misconduct in making the determination, or if the
17 determination results from a conflict of interest.

18 § 2. The banking law is amended by adding a new section 4-d to read as
19 follows:

20 § 4-d. Protecting eligible adults from financial exploitation. 1.
21 Definitions. As used in this section the following terms shall have the
22 following meanings:

23 (a) "Adult protective services" means the division of the New York
24 city human resources administration and each county agency responsible
25 for providing adult protective services pursuant to section four hundred
26 seventy-three of the social services law.

27 (b) "Banking institution" means any bank, trust company, savings bank,
28 savings and loan association, credit union or branch of a foreign bank-
29 ing corporation that is chartered, organized or licensed under the laws
30 of this state or any other state or the United States, and, in the ordi-
31 nary course of business takes deposit accounts in this state.

32 (c) "Financial exploitation" means: (i) the improper use of an eligi-
33 ble adult's funds, property, income or assets; or (ii) any act or omis-
34 sion by a person, including through the use of a power of attorney,
35 guardianship or any other authority regarding an eligible adult to: (A)
36 obtain control, through deception, intimidation, threats or undue influ-
37 ence over the eligible adult's money, assets, income or property; or

38 (B) convert the eligible adult's money, assets, income or property.

39 (d) "Law enforcement agency" means any agency, which is empowered by
40 law to make an arrest for a felony, and any agency which is authorized
41 by law to prosecute a felony and including any police officer as defined
42 by subdivision thirty-four of section 1.20 of the criminal procedure law
43 and any prosecutor.

44 (e) "Transaction hold" means a delay in the completion of one or more
45 financial transactions pending an investigation by a banking institu-
46 tion, adult protective services, or a law enforcement agency.

47 (f) "Eligible adult" means an individual who is: sixty-five years of
48 age or older; or at least the age of eighteen and who, because of mental
49 or physical impairment, is unable to manage their own resources or
50 protect themselves from financial exploitation without assistance from
51 others.

52 2. Application of transaction hold. (a) If an employee of a banking
53 institution reasonably believes that a financial exploitation of an
54 eligible adult may have occurred, may have been attempted, or is being
55 attempted, then the banking institution may place a transaction hold on
56 such transaction.

1 (b) A banking institution shall apply a transaction hold to a trans-
2 action if adult protective services or a law enforcement agency notifies
3 the banking institution that it reasonably believes that the transaction
4 is the subject of or related to financial exploitation of an eligible
5 adult.

6 (c) A banking institution that applies a transaction hold shall: (i)
7 provide notice of such hold, in writing, to all parties authorized to
8 transact business on the account that is the subject of a transaction
9 hold, as well any designated third party, no later than one business day
10 after the application of the transaction hold; (ii) if the transaction
11 hold has been applied pursuant to paragraph (a) of this subdivision, no
12 later than one business day after application of the transaction hold,
13 report the transaction hold, including the basis for the banking insti-
14 tution's belief that the transaction is the subject of or related to
15 financial exploitation of an eligible adult to adult protective services
16 in its district and to a law enforcement agency; and (iii) at the
17 request of adult protective services or a law enforcement agency,
18 provide any information and documents relating to the transaction hold
19 within three business days after the request for such information or
20 documents.

21 3. Notification. If a banking institution reasonably believes finan-
22 cial exploitation of an eligible adult has occurred, has been attempted,
23 or is being attempted, the banking institution may promptly notify the
24 adult protective services and law enforcement.

25 4. Duration of transaction hold. A transaction hold shall expire
26 fifteen business days after its application except that (i) a trans-
27 action hold shall be extended for no more than twenty-five additional
28 business days upon request from adult protective services or a law
29 enforcement agency; (ii) at any time, a banking institution shall
30 release a transaction hold not more than one business day after such
31 banking institution receives notice from adult protective services or
32 the law enforcement agency that requested the transaction hold or to
33 which the banking institution reported the transaction hold, that such
34 agency does not have or no longer has a reasonable basis to believe that
35 the held transaction is the subject of or related to financial exploita-
36 tion; (iii) if a banking institution no longer reasonably believes that
37 a transaction is the subject of or related to financial exploitation, it
38 may release a transaction hold applied to that transaction, provided
39 that adult protective services or the law enforcement agency the banking
40 institution has notified of such hold pursuant to subparagraph (i) of
41 paragraph (c) of subdivision two of this section does not object; (iv) a
42 transaction hold may be extended in accordance with an order issued by a
43 court of competent jurisdiction; and (v) a transaction hold may be
44 terminated at any time pursuant to an order issued by a court of compe-
45 tent jurisdiction.

46 5. Regulations. The superintendent may promulgate regulations to
47 effectuate the purposes of this section, including setting forth factors
48 that a banking institution may consider in determining whether to apply
49 a transaction hold to a transaction pursuant to paragraph (a) of subdi-
50 vision two of this section, the form and manner of any notification
51 mandated by subdivision two of this section, and the implementation of
52 training programs for banking institution staff relating to recognizing
53 financial exploitation.

54 6. Immunity. A banking institution or an employee of a banking insti-
55 tution shall be immune from criminal, civil, and administrative liabil-
56 ity for good faith actions in relation to the application of this

1 section, including any good faith determination to apply or not apply a
2 transaction hold to a transaction. Notwithstanding the foregoing, such
3 immunity shall not apply to a determination not to impose a transaction
4 hold when the banking institution or employee engages in intentional
5 misconduct in making the determination, or if the determination results
6 from a conflict of interest.

7 § 3. Section 473 of the social services law is amended by adding a new
8 subdivision 5-a to read as follows:

9 5-a. Whenever a social services official, or his or her designee
10 authorized or required to determine the need for, or to provide or
11 arrange for the provision of protective services to adults in accordance
12 with the provisions of this title has a reason to believe that financial
13 exploitation of an eligible adult has occurred, has been attempted, or
14 is being attempted, the social services official or his or her designee
15 must report this information to the appropriate law enforcement agency
16 and notify any financial or banking institutions involved in the rele-
17 vant financial transactions of the need to apply a transaction hold.

18 § 4. Paragraph (g) of subdivision 6 of section 473 of the social
19 services law, as amended by chapter 395 of the laws of 1995, is amended
20 to read as follows:

21 (g) "Financial exploitation" means:

22 (i) the improper use of an adult's funds, property, income or
23 [resources by another individual, including but not limited to, fraud,
24 false pretenses, embezzlement, conspiracy, forgery, falsifying records,
25 coerced property transfers or denial of access to assets] assets; or

26 (ii) any act or omission by a person, including through the use of a
27 power of attorney, guardianship or any other authority regarding an
28 adult to: (A) obtain control, through deception, intimidation, threats
29 or undue influence over the adult's money, assets, income or property;
30 or (B) convert the adult's money, assets, income or property.

31 § 5. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law.

33

PART JJ

34 Section 1. This act shall be known and may be cited as the "Consumer
35 Protection Act (CPA)".

36 § 2. Section 349 of the general business law, as added by chapter 43
37 of the laws of 1970, subdivision (h) as amended by chapter 157 of the
38 laws of 1984, and subdivision (j) as added by section 6 of part HH of
39 chapter 55 of the laws of 2014, is amended to read as follows:

40 § 349. [Deceptive acts] Unfair, deceptive and abusive acts and prac-
41 tices unlawful. (a) [Deceptive] Unfair, deceptive or abusive acts or
42 practices in the conduct of any business, trade or commerce or in the
43 furnishing of any service in this state are hereby declared unlawful.

44 (1) For the purposes of this section, an act or practice is unfair
45 when it causes or is likely to cause substantial injury, the injury is
46 not reasonably avoidable, and the injury is not outweighed by counter-
47 vailing benefits to consumers or competition.

48 (2) For the purposes of this section, an act or practice is abusive
49 when:

50 (i) it materially interferes with the ability of a person to under-
51 stand a term or condition of a product or service; or

52 (ii) takes unreasonable advantage of:

53 (A) a person's lack of understanding of the material risks, costs, or
54 conditions of the product or service; or



1 (B) a person's inability to protect their interests in selecting or
2 using a product or service.

3 (b) Whenever the attorney general shall believe from evidence satis-
4 factory to [him] them that any person, firm, corporation or association
5 or agent or employee thereof has engaged in or is about to engage in any
6 of the acts or practices stated to be [unlawful he] unfair, deceptive or
7 abusive, they may bring an action in the name and on behalf of the
8 people of the state of New York to enjoin such unlawful acts or prac-
9 tices and to obtain restitution of any moneys or property obtained
10 directly or indirectly by any such unlawful acts or practices. In such
11 action preliminary relief may be granted under article sixty-three of
12 the civil practice law and rules. Such actions may be brought regardless
13 of whether or not the underlying violation is directed at individuals
14 or businesses or involves the offering of goods, services, or property
15 for personal, family or household purposes.

16 (c) Before any violation of this section is sought to be enjoined, the
17 attorney general shall be required to give the person against whom such
18 proceeding is contemplated notice by certified mail and an opportunity
19 to show in writing within five business days after receipt of notice why
20 proceedings should not be instituted against [him] them, unless the
21 attorney general shall find, in any case in which [he seeks] they seek
22 preliminary relief, that to give such notice and opportunity is not in
23 the public interest.

24 (d) In any such action it shall be a complete defense that the act or
25 practice is, or if in interstate commerce would be, subject to and
26 complies with the rules and regulations of, and the statutes adminis-
27 tered by, the federal trade commission or any official department, divi-
28 sion, commission or agency of the United States as such rules, regu-
29 lations or statutes are interpreted by the federal trade commission or
30 such department, division, commission or agency or the federal courts.

31 (e) Nothing in this section shall apply to any television or radio
32 broadcasting station or to any publisher or printer of a newspaper,
33 magazine or other form of printed advertising, who broadcasts,
34 publishes, or prints the advertisement.

35 (f) In connection with any proposed proceeding under this section, the
36 attorney general is authorized to take proof and make a determination of
37 the relevant facts, and to issue subpoenas in accordance with the civil
38 practice law and rules.

39 (g) This section shall apply to all unfair, deceptive or abusive acts
40 or practices declared to be unlawful, whether or not subject to any
41 other law of this state, and shall not supersede, amend or repeal any
42 other law of this state under which the attorney general is authorized
43 to take any action or conduct any inquiry.

44 (h) In addition to the right of action granted to the attorney general
45 pursuant to this section, any person who has been injured by reason of
46 any violation of this section may bring an action in [his] their own
47 name to enjoin such [unlawful] unfair, deceptive, or abusive act or
48 practice, an action to recover [his] their actual damages or [fifty] one
49 thousand dollars, whichever is greater, or both such actions. Such
50 actions may be brought regardless of whether or not the underlying
51 violation involves the offering of goods, services or property for
52 personal, family or household purposes. The court may, in its
53 discretion, increase the award of damages to an amount not to exceed
54 three times the actual damages up to one thousand dollars, if the court
55 finds the defendant willfully or knowingly violated this section. The

1 court [may] shall award reasonable attorney's fees and costs to a
2 prevailing plaintiff.

3 (i) (1) At least thirty days prior to the commencement of an action
4 for monetary damages exceeding five hundred dollars pursuant to subdivi-
5 sion (h) of this section or within thirty days of amending a complaint
6 to seek monetary damages exceeding five hundred dollars pursuant to
7 subdivision (h) of this section, the consumer shall do the following:

8 (A) Notify the person alleged to have committed unfair, deceptive or
9 abusive acts or practices in violation of this section of the particular
10 alleged violations of this section, including a reasonably specific
11 description regarding the time, place and nature of the allegations; and

12 (B) Demand that such person correct, repair, replace, or otherwise
13 rectify the alleged violation or violations of this section with suffi-
14 cient specificity to permit a reasonable person to respond to such
15 demand.

16 (2) The demand made pursuant to this subdivision shall be in writing
17 and shall be sent by certified or registered mail, return receipt
18 requested, to the place where the transaction occurred or to the
19 person's principal place of business, if known. Evidence demonstrating
20 that notice, however made, was actually received by the person is suffi-
21 cient to demonstrate compliance with this paragraph.

22 (3) No action for monetary damages greater than five hundred dollars
23 may be maintained under this section if an appropriate correction,
24 repair, replacement, or other remedy has been provided by the person
25 alleged to have committed unfair, deceptive or abusive acts or practices
26 in violation of this section to the consumer within thirty days of
27 receipt by such person of the notice.

28 (4) No action for monetary damages may be maintained under article
29 nine of the civil practice law and rules against a person alleged to
30 have committed unfair, deceptive or abusive acts or practices in
31 violation of this section upon a showing by such person that they have:

32 (A) Identified all consumers similarly situated or have made reason-
33 able efforts to identify such other consumers;

34 (B) Notified all such similarly situated consumers so identified that
35 upon their request, such person shall make the appropriate correction,
36 repair, replacement, or other remedy of the goods or services;

37 (C) Corrected, repaired, replaced, or provided any other remedy
38 requested by the consumers within a reasonable time frame; and

39 (D) Ceased from engaging in, or if immediate cessation is impossible
40 or unreasonably expensive under the circumstances, the person will,
41 within a reasonable time, cease to engage in, the unfair, deceptive or
42 abusive acts or practices.

43 (5) Actions seeking injunctive relief only may be commenced without
44 compliance with this subdivision.

45 (6) Attempts or efforts to comply with this section by a person
46 receiving a demand shall be construed as an offer to compromise under
47 section forty-five hundred forty-seven of the civil practice law and
48 rules and shall be inadmissible as evidence. Furthermore, attempts or
49 efforts to comply with a demand shall not be considered an admission of
50 engaging in an act or practice declared unlawful by this section.
51 Evidence of compliance or attempts or efforts to comply with this
52 section may be introduced by a defendant or person alleged to have
53 committed unfair, deceptive or abusive acts or practices in violation of
54 this section for the purpose of establishing good faith or to show
55 compliance with this section.

1 (j) Notwithstanding any law to the contrary, all monies recovered or
2 obtained under this article by a state agency or state official or
3 employee acting in their official capacity shall be subject to subdivi-
4 sion eleven of section four of the state finance law.

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

7

PART KK

8 Section 1. Section 4 of Part WW of chapter 56 of the laws of 2022
9 amending the public officers law relating to permitting videoconferenc-
10 ing and remote participation in public meetings under certain circum-
11 stances, is amended to read as follows:

12 § 4. This act shall take effect immediately and shall expire and be
13 deemed repealed July 1, [2024] 2026.

14 § 2. This act shall take effect immediately.

15

PART LL

16 Section 1. Paragraph 2 of subsection (f) of section 1308 of the insur-
17 ance law, as amended by section 2 of chapter 802 of the laws of 1985, is
18 amended to read as follows:

19 (2) Any domestic life insurance company proposing to assume by rein-
20 surance all or any part of the business in force, other than portions of
21 individual risks, of any domestic, foreign or alien life insurance
22 company, fraternal benefit society or other organization having
23 outstanding policies or certificates of life insurance or accident and
24 health insurance or annuity contracts shall make written application to
25 the superintendent for permission to do so. If after due consideration
26 the superintendent is satisfied that the proposed reinsurance will not
27 prejudice the interests of the policyholders of either the applicant or
28 the companies [which] that are members of The Life Insurance Guaranty
29 Corporation or of The Life and Health Insurance Company Guaranty Corpo-
30 ration of New York, [he] the superintendent shall grant the permission.

31 § 2. Paragraph 1 of subsection (a) of section 7434 of the insurance
32 law, as amended by chapter 134 of the laws of 1999, is amended to read
33 as follows:

34 (1) Upon the recommendation of the superintendent, and under the
35 direction of the court, distribution payments shall be made in a manner
36 that will assure the proper recognition of priorities and a reasonable
37 balance between the expeditious completion of the liquidation and the
38 protection of unliquidated and undetermined claims. The priority of
39 distribution of claims from an insolvent [property/casualty] insurer
40 other than a life insurer in any proceeding subject to this article
41 shall be in accordance with the order in which each class of claims is
42 set forth in this paragraph and as provided in this paragraph. Every
43 claim in each class shall be paid in full or adequate funds retained for
44 such payment before the members of the next class receive any payment.
45 No subclasses shall be established within any class. No claim by a
46 shareholder, policyholder or other creditor shall be permitted to
47 circumvent the priority classes through the use of equitable remedies.
48 The order of distribution of claims shall be:

49 [(i)] (A) Class one. Claims with respect to the actual and necessary
50 costs and expenses of administration, incurred by the liquidator, reha-
51 bilitator or conservator under this article.

1 [(ii)] (B) Class two. All claims under policies including such claims
2 of the federal or any state or local government for losses incurred,
3 third party claims, claims for unearned premiums, and all claims of a
4 security fund, guaranty association or the equivalent except claims
5 arising under reinsurance contracts.

6 [(iii)] (C) Class three. Claims of the federal government except those
7 under class two above.

8 [(iv)] (D) Class four. Claims for wages owing to employees of an
9 insurer against whom a proceeding under this article is commenced for
10 services rendered within one year before commencement of the proceeding,
11 not exceeding one thousand two hundred dollars to each employee, and
12 claims for unemployment insurance contributions required by article
13 eighteen of the labor law. Such priority shall be in lieu of any other
14 similar priority which may be authorized by law.

15 [(v)] (E) Class five. Claims of state and local governments except
16 those under class two above.

17 [(vi)] (F) Class six. Claims of general creditors including, but not
18 limited to, claims arising under reinsurance contracts.

19 [(vii)] (G) Class seven. Claims filed late or any other claims other
20 than claims under class eight or class nine below.

21 [(viii)] (H) Class eight. Claims for advanced or borrowed funds made
22 pursuant to section one thousand three hundred seven of this chapter.

23 [(ix)] (I) Class nine. Claims of shareholders or other owners in their
24 capacity as shareholders.

25 § 3. Paragraphs 1 and 4 of subsection (a) of section 7435 of the
26 insurance law, as added by chapter 802 of the laws of 1985, are amended
27 to read as follows:

28 (1) Class one. Claims with respect to the actual and necessary costs
29 and expenses of administration, incurred by the liquidator, rehabilita-
30 tor, conservator or ancillary rehabilitator under this article, or by
31 The Life Insurance Guaranty Corporation or The Life and Health Insurance
32 Company Guaranty Corporation of New York, and claims described in
33 subsection (d) of section seven thousand seven hundred thirteen of this
34 chapter.

35 (4) Class four. All claims under insurance policies, annuity contracts
36 and funding agreements, and all claims of The Life and Health Insurance
37 Company Guaranty Corporation of New York or any other guaranty corpo-
38 ration or association of this state or another jurisdiction, other than
39 [(i)] claims provided for in paragraph one of this subsection[,] and
40 [(ii)] claims for interest.

41 § 4. Paragraph 2 of subsection (c) of section 7709 of the insurance
42 law, as amended by section 10 of subpart D of part Y of chapter 57 of
43 the laws of 2023, is amended to read as follows:

44 (2) The amount of any class B or class C assessment, except for
45 assessments related to long-term care insurance, shall be allocated for
46 assessment purposes among the accounts in the proportion that the premi-
47 ums received by the impaired or insolvent insurer on the policies or
48 contracts covered by each account for the last calendar year preceding
49 the assessment in which the impaired or insolvent insurer received
50 premiums bears to the premiums received by such insurer for such calen-
51 dar year on all covered policies. The amount of any class B or class C
52 assessment for long-term care insurance written by the impaired or
53 insolvent insurer shall be allocated according to a methodology included
54 in the plan of operation and approved by the superintendent. The meth-
55 odology shall provide for fifty percent of the assessment to be allo-
56 cated to health insurance company member insurers and fifty percent to

1 be allocated to life insurance company member insurers; provided, howev-
2 er, that a property/casualty insurer that writes health insurance shall
3 be considered a health insurance company member for this purpose. Class
4 B and class C assessments against member insurers for each account shall
5 be in the proportion that the premiums received on business in this
6 state by each assessed member insurer on policies covered by each
7 account for the three calendar years preceding the assessment bears to
8 such premiums received on business in this state for such calendar years
9 by all assessed member insurers. Class B and Class C assessments
10 against member insurers for the health insurance account shall be
11 further reduced for not-for-profit member insurers pursuant to a method-
12 ology included in the plan of operation and approved by the superinten-
13 dent.

14 § 5. Section 7712 of the insurance law, as added by chapter 802 of the
15 laws of 1985, subsection (a) as amended by section 11 of subpart D of
16 part Y of chapter 57 of the laws of 2023, is amended to read as follows:

17 § 7712. Credits for assessments paid. (a) The superintendent shall
18 annually[, within six months following the close of each calendar year,
19 furnish to the commissioner of taxation and finance and the director of
20 the division of the budget a statement of operations for the life insur-
21 ance guaranty corporation and the life and health insurance company
22 guaranty corporation of New York. Such statement shall show the assess-
23 ments, less any refunds or reimbursements thereof, paid by each insur-
24 ance company pursuant to the provisions of article seventy-five or]
25 issue a certificate of tax credit for net class A assessments paid, and
26 a separate certificate of tax credit for total net class B and class C
27 assessments paid, as such assessments are described in section seven
28 thousand seven hundred nine of this article, [for the purposes of meet-
29 ing the requirements of this chapter. Each statement, starting with the
30 statement furnished in the year nineteen hundred eighty-six and ending
31 with the statement furnished in the year two thousand, shall show the
32 annual activity for every year commencing from nineteen hundred eighty-
33 five through the most recently completed year. Each statement furnished
34 in each year after the year two thousand shall reflect such assessments
35 paid during the preceding fifteen calendar years. The superintendent
36 shall also furnish a copy of such statement to each such] to an insur-
37 ance company that is required to file a tax return pursuant to article
38 thirty-three of the tax law. For the purposes of this section, an
39 insurance company's "net class A assessments paid" shall mean its gross
40 class A assessments paid pursuant to the provisions of article seventy-
41 five or section seven thousand seven hundred nine of this article, less
42 any refunds, recoveries, or reimbursements, and an insurance company's
43 "total net class B and class C assessments paid" shall mean its gross
44 class B and class C assessments paid pursuant to the provisions of arti-
45 cle seventy-five or section seven thousand seven hundred nine of this
46 article, less any refunds, recoveries, or reimbursements.

47 (b) The [maximum authorized] certificates of tax credit [for each
48 company in respect of the assessments paid during the most recent calen-
49 dar year covered by such statement] shall [be] set forth the amount of
50 tax credit an insurance company may claim as follows:

51 (1) [if the sum of the net assessments paid by all companies in the
52 period reported on in the statement of operations required to be
53 furnished by the superintendent pursuant to the provisions of subsection
54 (a) of this section is less than one hundred million dollars, no such
55 credits shall be authorized] for net class A assessments, the eligible

1 credit amount shall be equal to the product of eighty per centum and the
2 company's net class A assessments paid; and

3 (2) [(A) if the sum of such net assessments exceeds one hundred
4 million dollars, the maximum authorized credit for each company with
5 respect to net assessments paid by such company in any year shall be the
6 excess, if any, of (i) over (ii), where (i) is the sum of such company's
7 tentative cross-over year credit and its tentative credits for subse-
8 quent years, both as determined pursuant to subparagraphs (B) and (C) of
9 this paragraph, and (ii) is the sum of the maximum credits theretofore
10 authorized for the years covered by such statement, to and including the
11 most recently completed year, determined with reference to the periods
12 covered by all prior such statements.

13 (B) Such company's tentative cross-over year credit shall be eighty
14 per centum of the product of (i) and (ii), where (i) is the sum of
15 assessments paid by such company during the cross-over year, and (ii) is
16 a fraction, the numerator of which is the excess over one hundred
17 million dollars of the sum of net assessments paid by all companies
18 during such period and the denominator of which is the sum of net
19 assessments paid by such companies during the cross-over year. For
20 purposes of this paragraph, the cross-over year is the first year during
21 the period covered by such statement in which the net assessments paid
22 by all companies during such period exceeded one hundred million dollars
23 in whole or in part.

24 (C) Such company's tentative credit for each year subsequent to the
25 cross-over year shall be eighty per centum of the net assessments paid
26 by such company during such year.

27 (3) For the purposes of this section, net assessments means gross
28 assessments, less any recoveries or reimbursements, paid during the
29 period covered by the most recent statement of operations furnished by
30 the superintendent pursuant to the provisions of subsection (a) of this
31 section] for total net class B and class C assessments, the eligible
32 credit amount shall be equal to the product of eighty per centum and the
33 company's total net class B and class C assessments paid, subject to
34 subsection (c) of this section.

35 (c)(1) The aggregate amount of tax credits pursuant to this section
36 for total net class B and class C assessments in each calendar year
37 shall not exceed one hundred fifty million dollars. The aggregate tax
38 credit amount shall be allocated annually by the superintendent on a pro
39 rata basis to each company required to file a tax return pursuant to
40 article thirty-three of the tax law.

41 (2) The superintendent shall allocate any tax credit amount that
42 exceeds the annual credit cap of one hundred fifty million dollars to
43 the following calendar year and include such amount within the calcu-
44 lation of the eligible credit amount subject to the aggregate credit
45 amount for the succeeding calendar year by the superintendent.

46 (3) For companies issued a certificate of tax credit for total net
47 class B and class C assessments, such annual certificate shall set forth
48 an amount equal to thirty-three and one-third per centum of the amount
49 calculated under subsection (b) of this section and allocated pursuant
50 to paragraph one of this subsection. The amount on the certificate of
51 tax credit shall be eligible to be claimed in the taxable year that
52 begins in the calendar year that such certificate is issued. Thirty-
53 three and one-third per centum of such amount shall be eligible to be
54 claimed in each of the two taxable years following such taxable year.

55 (d)(1) The superintendent shall, in consultation with the commissioner
56 of taxation and finance, develop a certificate of tax credit for net

1 class A assessments, and a certificate of tax credit for total net class
2 B and class C assessments. Each certificate shall contain such informa-
3 tion as required by the commissioner of taxation and finance, including
4 a certificate date.

5 (2) The superintendent shall solely determine the tax credit eligibil-
6 ity of any insurance company and shall revoke any certificate of tax
7 credit issued to an insurance company that no longer qualifies for a tax
8 credit. The superintendent shall modify the amount of the credit shown
9 on any such certificate if the superintendent determines that the amount
10 certified under subsection (b) of this section was not computed properly
11 pursuant to this section.

12 (3) To be issued a certificate of tax credit by the superintendent,
13 each insurance company shall:

14 (A) agree to allow the department of taxation and finance to share the
15 insurance company's tax information relevant to the administration of
16 this section with the superintendent. However, any information shared
17 with the superintendent as a result of this section shall not be avail-
18 able for public disclosure or inspection under article six of the public
19 officers law;

20 (B) allow the superintendent and the corporation access to any and all
21 books and records the superintendent or corporation may require to moni-
22 tor compliance with this section; and

23 (C) agree to provide any additional information required by the super-
24 intendent relevant to this section.

25 § 6. Subdivision (f) of section 1511 of the tax law, as amended by
26 chapter 803 of the laws of 1985, paragraph 1 as amended by chapter 217
27 of the laws 2012, subparagraph (B) of paragraph 3 as further amended by
28 section 104 of part A of chapter 62 of the laws of 2011 and paragraph 5
29 as amended by section 9 of part H3 of chapter 62 of the laws of 2003, is
30 amended to read as follows:

31 (f) Credit relating to life and health insurance guaranty corporation
32 assessments. [A] (1) Allowance of credit. For taxable years beginning
33 on or after January first, two thousand twenty-four, a credit shall be
34 allowed against the tax imposed pursuant to this article (other than
35 section fifteen hundred five-a of this article) [, for a portion of the
36 assessments paid by a taxpayer pursuant to article seventy-five or
37 section seven thousand seven hundred nine of the insurance law. The
38 credit shall be determined in accordance with the following provisions]
39 as hereinafter provided.

40 [(1)] (2) Amount of credit. The [maximum authorized] amount of the
41 credit for each taxpayer shall [be determined as provided in] equal the
42 amount shown on the certificate of tax credit, or the amounts shown on
43 such certificates, issued to such taxpayer pursuant to section seven
44 thousand seven hundred twelve of the insurance law. With respect to
45 each such certificate, the amount of the credit must be claimed in the
46 taxable year that begins in the calendar year that such certificate is
47 issued.

48 [(2) Thirty-three and one-third per centum of the maximum authorized
49 credit for the second calendar year preceding the taxable year, plus any
50 amount carried forward under subparagraph (C) of paragraph three of this
51 subdivision or paragraph four of this subdivision, shall be allowed as a
52 credit under this subdivision for such taxable year, and thirty-three
53 and one third per centum of such maximum authorized credit for such
54 second preceding calendar year, plus any amount carried forward under
55 subparagraph (C) of this subdivision or paragraph four of this subdivi-



1 sion, shall be allowed in each of the two taxable years following such
2 taxable year.]

3 (3) [(A) For each calendar year for which a credit has been authorized
4 pursuant to section seven thousand seven hundred twelve of the insurance
5 law, the commissioner of taxation and finance shall determine the total
6 tax liability of all life insurance corporations under this article,
7 other than under section fifteen hundred five-a of this article, before
8 the application of any credits allowed pursuant to this section, for
9 taxable years beginning in such calendar year. Such total tax liability
10 shall be published in the state register on or before the thirtieth day
11 of September of the next succeeding calendar year.

12 (B) The credit allowed under paragraph two of this subdivision for
13 each taxpayer shall not exceed the product of (x) and (y) where (x) is a
14 fraction, the numerator of which is the sum of the gross assessments
15 paid by the particular taxpayer during the calendar year for which the
16 credit has been authorized and the denominator of which is the sum of
17 the gross assessments paid by all companies during such year, both as
18 shown in the most recent statement of operations furnished by the super-
19 intendent of financial services under subsection (a) of section seven
20 thousand seven hundred twelve of the insurance law and both the numera-
21 tor and denominator being reduced, as appropriate, by any refunds or
22 reimbursements and (y) is the greater of (i) forty per centum of the
23 total tax liability published by the commissioner pursuant to subpara-
24 graph (A) of this paragraph and (ii) forty million dollars.

25 (C) The amount by which the allowable credit computed without refer-
26 ence to the limitation contained in subparagraph (B) of this paragraph
27 exceeds the allowable credit for such taxable year shall be carried
28 forward as a credit under paragraph two of this subdivision.

29 (D) With respect to estimated taxes payable under section fifteen
30 hundred fourteen of this article any increase in estimated taxes due to
31 the limitation imposed by this paragraph shall be deemed timely paid if
32 paid on or before the fifteenth day of December next following the date
33 specified in subparagraph (A) of this paragraph.] Carryover. The credit
34 allowed under this subdivision for any taxable year shall not reduce the
35 tax due for such year to less than the minimum fixed by paragraph four
36 of subdivision (a) of section fifteen hundred two of this article or
37 section fifteen hundred two-a of this article, whichever is applicable.
38 However, if the amount of credit allowable under this subdivision for
39 any taxable year reduces the tax to such amount, any amount of credit
40 not deductible in such taxable year may be carried over to the following
41 year or years and may be deducted from the taxpayer's tax for such year
42 or years.

43 (4) [If for any taxable year the credits allowable under paragraph two
44 of this subdivision determined without regard to this paragraph exceed
45 the taxpayer's liability for taxes under this article for the taxable
46 year after the allowance of all other credits under this section, then
47 the sum of two hundred fifty dollars and the amount by which such cred-
48 its under this subdivision exceed such tax liability shall be carried
49 forward as a credit under paragraph two of this subdivision for the
50 taxable year next following.] Eligibility. To be eligible for the cred-
51 it, the taxpayer shall have been issued a certificate, or certificates,
52 of tax credit by the department of financial services pursuant to
53 section seven thousand seven hundred twelve of the insurance law, each
54 of which certificates shall set forth the amount of the credit that may
55 be claimed and the certificate date. A taxpayer that is a partner in a
56 partnership, member of a limited liability company or shareholder in a

1 subchapter S corporation that has received a certificate, or certif-
2 icates, of tax credit shall be allowed its pro rata share of the credit
3 earned by the partnership, limited liability company or subchapter S
4 corporation.

5 (5) [No credit allowed pursuant to this subdivision shall reduce the
6 tax payable by any taxpayer under this article for any taxable year to
7 an amount less than the minimum tax fixed by paragraph four of subdivi-
8 sion (a) of section fifteen hundred two of this article or section
9 fifteen hundred two-a of this article, whichever is applicable.] Tax
10 return requirement. The taxpayer is required to include with its tax
11 return in the form prescribed by the commissioner, proof of receipt of
12 its certificate, or certificates, of tax credit issued by the department
13 of financial services.

14 (6) Information sharing. Notwithstanding any provision of this chap-
15 ter, employees of the department of financial services and the depart-
16 ment shall be allowed and are directed to share and exchange:

17 (A) information regarding the credit allowed or claimed pursuant to
18 this subdivision and taxpayers that are claiming the credit; and

19 (B) information contained in or derived from credit claim forms
20 submitted to the department. All information exchanged between the
21 department of financial services and the department shall not be subject
22 to public disclosure or inspection under article six of the public offi-
23 cers law.

24 (7) Credit recapture. If a certificate of tax credit issued by the
25 department of financial services under section seven thousand seven
26 hundred twelve of the insurance law is revoked by such department, the
27 amount of credit described in this subdivision and claimed by the
28 taxpayer prior to such revocation shall be added back to tax in the
29 taxable year in which any such revocation becomes final. If an amount of
30 credit on any such certificate of tax credit is modified by the depart-
31 ment of financial services, the difference between the amount of credit
32 described in this subdivision and claimed by the taxpayer prior to such
33 modification and the modified amount shall be added back to tax in the
34 taxable year in which any such modification becomes final.

35 (8) Net assessments. No amount of any net assessments paid by such
36 taxpayer included as the basis for the calculation of the amount shown
37 on any such certificate shall be the basis for any other tax credit
38 under this chapter.

39 § 7. Notwithstanding the provisions of sections one through six of
40 this act, in 2024, for the calendar year 2023, the superintendent of
41 financial services shall furnish the statement of operations for the
42 life insurance guaranty corporation and the life and health insurance
43 company guaranty corporation of New York as provided in subsection (a)
44 of section 7712 of the insurance law, as such provision of law was in
45 effect immediately prior to the effective date of this act.

46 § 8. Notwithstanding the provisions of sections one through seven of
47 this act, an insurance company allowed a tax credit pursuant to section
48 7712 of the insurance law and subdivision (f) of section 1511 of the tax
49 law, as such provisions of law were in effect immediately prior to the
50 effective date of this act, shall continue to be allowed the credit
51 relating to life insurance guaranty corporation assessments under such
52 subdivision (f), for assessments paid on or before December 31, 2023, as
53 follows:

54 (i) any amount of such credit that has not been claimed in a taxable
55 year beginning before January 1, 2024 shall be allowed as a credit
56 against the tax imposed pursuant to article 33 of the tax law, other

1 than section 1505-a of such article, in the taxable year beginning on or
2 after such date; and

3 (ii) any amount of credit allowed pursuant to the previous paragraph
4 shall be subject to the carryover provision of paragraph 3 of subdivi-
5 sion (f) of section 1511 of the tax law, as such subdivision has been
6 amended by section six of this act.

7 § 9. This act shall take effect immediately and shall apply to taxable
8 years beginning on or after January 1, 2024.

9 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
10 sion, section or part of this act shall be adjudged by any court of
11 competent jurisdiction to be invalid, such judgment shall not affect,
12 impair, or invalidate the remainder thereof, but shall be confined in
13 its operation to the clause, sentence, paragraph, subdivision, section
14 or part thereof directly involved in the controversy in which such judg-
15 ment shall have been rendered. It is hereby declared to be the intent of
16 the legislature that this act would have been enacted even if such
17 invalid provisions had not been included herein.

18 § 3. This act shall take effect immediately provided, however, that
19 the applicable effective date of Parts A through LL of this act shall be
20 as specifically set forth in the last section of such Parts.

