

**2014-15 NEW YORK STATE EXECUTIVE BUDGET  
TRANSPORTATION  
ECONOMIC DEVELOPMENT AND  
ENVIRONMENTAL CONSERVATION  
ARTICLE VII LEGISLATION**

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Legislative Bill Drafting Commission  
12673-01-4

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
-----

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*BUDGBI\***

(Enacts into law major components of  
legislation necessary to implement  
the transportation, economic devel-  
opment and environmental conserva-  
tion budget for the 2014-2015 state  
fiscal year)

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TED Article 7; 2014-2015 budget

AN ACT

to amend the highway law and to  
amend chapter 329 of the laws of  
1991, amending the state finance law  
and other laws relating to the  
establishment of the dedicated high-  
way and bridge trust fund, in  
relation to the consolidated local  
street and highway improvement  
program (CHIPS), suburban highway  
improvement program (SHIPS), multi-

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s02 Flanagan	s28 Krueger	s55 O'Brien	s51 Seward
s11 Avella	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s40 Ball	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s42 Bonacic	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s04 Boyle	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s44 Breslin	s47 Griffo	s52 Libous	s61 Ranzzenhofer	s35 Stewart- Cousins
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	s46 Tkaczyk
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s53 Valesky
s32 Diaz	s36 Hassell- Thompson	s43 Marchione	s56 Robach	s57 Young
s18 Dilan	s07 Martins	s19 Sampson	s7 Sanders	s03 Zeldin
s31 Espaillat	s27 Hoylman	s62 Maziarz	s23 Savino	s08
s49 Farley	s63 Kennedy	s25 Montgomery	s29 Serrano	s20
s17 Felder	s34 Klein	s54 Nozzolio		

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a081 Dinowitz	a074 Kavanagh	a051 Ortiz	a036 Simotas
a092 Abinanti	a147 DiPietro	a142 Kearns	a091 Otis	a104 Skartados
a084 Arroyo	a115 Duprey	a076 Kellner	a132 Palmesano	a099 Skoufis
a035 Aubry	a004 Englebright	a040 Kim	a002 Palumbo	a022 Solages
a120 Barclay	a109 Fahy	a131 Kolb	a088 Paulin	a114 Stec
a106 Barrett	a071 Farrell	a105 Lalor	a141 Peoples- Stokes	a110 Steck
a082 Benedetto	a126 Finch	a013 Lavine	a058 Perry	a127 Stirpe
a117 Blankenbush	a008 Fitzpatrick	a050 Lentol	a086 Pichardo	a011 Sweeney
a062 Borelli	a124 Friend	a125 Lifton	a089 Pretlow	a112 Tedisco
a055 Boyland	a143 Gabryszak	a102 Lopez, P.	a073 Quart	a101 Tenney
a026 Braunstein	a095 Galef	a123 Lupardo	a019 Ra	a001 Thiele
a044 Brennan	a137 Gantt	a010 Lupinacci	a012 Raia	a061 Titone
a119 Brindisi	a007 Garbarino	a121 Magee	a006 Ramos	a031 Titus
a138 Bronson	a148 Giglio	a129 Magnarelli	a078 Rivera	a146 Walter
a046 Brook-Krasny	a080 Gjonaj	a064 Malliotakis	a128 Roberts	a041 Weinstein
a093 Buchwald	a066 Glick	a030 Markey	a056 Robinson	a020 Weisenberg
a118 Butler	a023 Goldfeder	a090 Mayer	a068 Rodriguez	a024 Weprin
a103 Cahill	a150 Goodell	a108 McDonald	a072 Rosa	a070 Wright
a043 Camara	a075 Gottfried	a014 McDonough	a067 Rosenthal	a096 Zebrowski
a145 Ceretto	a005 Graf	a017 McKeivitt	a025 Rozic	a054
a033 Clark	a100 Gunther	a107 McLaughlin	a116 Russell	a059
a047 Colton	a139 Hawley	a038 Miller	a149 Ryan	a060
a032 Cook	a083 Heastie	a052 Millman	a009 Saladino	a077
a144 Corwin	a003 Hennessey	a015 Montesano	a111 Santabarbara	a079
a085 Crespo	a028 Hevesi	a136 Morelle	a029 Scarborough	a098
a122 Crouch	a048 Hikind	a057 Mosley	a016 Schimel	a113
a021 Curran	a018 Hooper	a039 Moya	a140 Schimminger	a134
a063 Cusick	a042 Jacobs	a133 Nojay	a087 Sepulveda	
a045 Cymbrowitz	a097 Jaffee	a130 Oaks	a065 Silver	
a053 Davila	a135 Johns	a069 O'Donnell	a027 Simanowitz	
a034 DenDekker	a094 Katz			

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

modal and Marchiselli programs; and to repeal certain provisions of chapter 329 of the laws of 1991 relating thereto (Part A); to amend part F of chapter 56 of the laws of 2011 permitting authorized state entities to utilize the design-build method for infrastructure projects, in relation to allowing authorized local entities to utilize the design-build method for infrastructure projects, and in relation to the effectiveness thereof (Part B); 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; to amend 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 permanently authorizing payment of department of motor vehicle costs from the dedicated highway and bridge trust fund; to amend the transportation law, in relation to disposition of revenues; to amend the highway law, in relation to disposition of fees charged in connection with outdoor advertising on highways; and to amend the state finance law, in relation to the dedication of revenues and the costs of rail and truck regulation (Part C); to amend chapter 58 of the laws of 2013, relating to the hours of operation of the department of motor vehicles and providing for the repeal of such provisions upon expiration thereof, in relation to the effectiveness thereof (Part D); to amend the vehicle and traffic law and the state finance law, in relation to the authorization of the department of motor vehicles to provide the accident prevention course internet program; 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; and to repeal

certain provisions of the vehicle and traffic law relating thereto (Part E); to amend the vehicle and traffic law, in relation to complying with federal requirements relating to medical certifications of commercial driver's license holders (Part F); to amend the public authorities law, in relation to toll collection regulations; to amend the public officers law, in relation to electronic toll collection data; to amend the vehicle and traffic law, in relation to liability of vehicle owners for toll collection violations; to amend the penal law, in relation to theft of services; and to amend chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, in relation to tolls and other charges (Part G); to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effective date thereof; and to amend the environmental conservation law, in relation to pesticide registration fees and reporting (Part H); to amend the environmental conservation law, the penal law, the vehicle and traffic law and the general obligations law, in relation to authorizing crossbow hunting, landowner liability, printing contracts for hunting and fishing guides, issuance of distinctive "I love New York" plates, fees and general powers and duties of the department of environmental conservation; and to repeal subdivisions 11 and 16 of section 11-0901 of the environmental conservation law relating thereto (Part I); to amend the agriculture and markets law, in relation to granting, suspending or revoking licenses for food processing establishments (Part J); to authorize the New York state energy research and development authority to finance a portion of its research, development and demon-

stration and policy and planning programs from assessments on gas and electric corporations (Part K); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part L); to amend the agriculture and markets law and the public authorities law, in relation to requiring power transfer switches on gas stations located within one half mile from a strategic upstate highway (Part M); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part N); to amend the business corporation law and the not-for-profit corporation law, in relation to the transmission of incorporation certificates to county clerks (Part O); to amend the executive law, in relation to the national registry fee (Part P); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part Q); to amend the public service law, in relation to authorizing the department of public service to increase program efficiencies; and to repeal certain provisions of the public service law relating thereto (Part R); to amend the public service law, in relation to the temporary state energy and utility service conservation assessment (Part S); to amend the insurance law, in relation to unauthorized providers of health services and the examination of providers of health services (Part T); to amend the insurance law, the public health law and the financial services law, in relation to establishing protections to prevent surprise medical bills including network adequacy requirements, claim submission requirements, access to



out-of-network care and prohibition of excessive emergency charges (Part U); to amend the insurance law, in relation to licensing title insurance agents, closers and solicitors; grants the superintendent of financial services the authority to require title insurance agents, closers, and solicitor applicants to submit to fingerprinting; and to repeal certain provisions of such law relating thereto (Part V); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending certain authority of the dormitory authority of the state of New York (Part W); 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 X); to amend the public health law, in relation to fees in connection with certain health care facility financings; and to repeal section 2976-a of the public authorities law relating thereto (Part Y); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part Z); and 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 the effectiveness thereof (Part AA)

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 which are necessary to implement the state fiscal plan for the 2014-2015  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through AA. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the  
10 Part in which it is found. Section three of this act sets forth the  
11 general effective date of this act.

12 PART A

13 Section 1. Subdivision (d) of section 11 of chapter 329 of the laws of  
14 1991 amending the state finance law and other laws relating to the  
15 establishment of the dedicated highway and bridge trust fund, as amended  
16 by section 4 of part A of chapter 58 of the laws of 2012, is amended to  
17 read as follows:

18 (d) Any such service contract (i) shall provide that the obligation of  
19 the director of the budget or the state to fund or to pay the amounts  
20 therein provided for shall not constitute a debt of the state within the  
21 meaning of any constitutional or statutory provisions in the event the  
22 thruway authority assigns or pledges service contract payments as secu-  
23 rity for its bonds or notes, (ii) shall be deemed executory only to the  
24 extent moneys are available and shall provide that no liability shall be  
25 incurred by the state beyond the moneys available for the purpose, and  
26 that such obligation is subject to annual appropriation by the legisla-

1 ture, and (iii) shall provide that no funds shall be made available from  
2 the proceeds of bonds or notes issued pursuant to this chapter unless  
3 the commissioner of transportation has certified to the [chairman of the  
4 thruway authority] director of the budget that such funds shall be used  
5 exclusively for the purposes authorized by subdivision (a) of this  
6 section, and/or construction, reconstruction or improvement of local  
7 highways, bridges and/or highway-railroad crossings, including right of  
8 way acquisition, preliminary engineering, and construction supervision  
9 and inspection, where the service life of the project is at least ten  
10 years or where the project is: (1) microsurfacing, (2) paver placed  
11 surface treatment, (3) single course surface treatment involving chip  
12 seals and oil and stone and (4) double course surface treatment involv-  
13 ing chip seals and oil and stone, and unless [the director of the budget  
14 has certified to the chairman of the thruway authority that] a spending  
15 plan has been submitted by the commissioner of transportation and has  
16 been approved by the director of the budget.

17 § 2. Subdivision (g) of section 15 of chapter 329 of the laws of 1991  
18 is REPEALED, and subdivision (f) of section 15 of chapter 329 of the  
19 laws of 1991, amending the state finance law and other laws relating to  
20 the establishment of the dedicated highway and bridge trust fund, as  
21 added by section 9 of chapter 330 of the laws of 1991, is amended to  
22 read as follows:

23 (f) The commissioner of transportation shall certify to the [New York  
24 state thruway authority] director of the budget and the comptroller  
25 amounts eligible for repayments as specified herein. Such certification  
26 shall include any such information as may be necessary to maintain the  
27 federal tax exempt status of bonds, notes or other obligations issued by

1 the New York state thruway authority pursuant to section 380 of the  
2 public authorities law.

3 § 3. Subdivision 1 of section 80-b of the highway law, as amended by  
4 chapter 161 of the laws of 2008, is amended to read as follows:

5 1. In connection with the undertaking of any project for which the  
6 commissioner is authorized to use moneys of the federal government  
7 pursuant to the provisions of subdivision thirty-four-a of section ten  
8 and section eighty of this chapter to assure the effective discharge of  
9 state responsibilities with respect to regional transportation needs, on  
10 highways, roads, streets, bicycle paths or pedestrian paths that are not  
11 on the state highway system, the commissioner shall submit such project  
12 to the governing body or bodies of the affected municipality or municipi-  
13 palities together with estimates of costs thereof. If such project  
14 includes a municipal project, as that term is defined in accordance with  
15 article thirteen of the transportation law, the state share of such  
16 municipal project shall also be included. If such project includes a  
17 project affecting a highway, road, street, bicycle path or pedestrian  
18 path not on the state highway system, the state share shall be equal to  
19 eighty percent of the difference between the total project cost and the  
20 federal assistance, provided, however, the commissioner may increase the  
21 state share to an amount equal to one hundred percent of the difference  
22 between the total project cost and the federal assistance where he  
23 determines that the need for the project results substantially from  
24 actions undertaken pursuant to section ten of this chapter. [Except for  
25 individual projects where the non-federal share of a federally aided  
26 municipal project is less than five thousand dollars, no state or local  
27 shares of municipal streets and highways projects shall be payable from  
28 the non-fiduciary funds of the capital projects budget of the depart-

1 ment.] No such project shall proceed without the approval of the govern-  
2 ing body of a municipality. Such governing body may request the commis-  
3 sioner to undertake the provision of such project. If the commissioner  
4 agrees to such undertaking he shall notify the local governing body  
5 which shall appropriate sufficient moneys to pay the estimated amount of  
6 the municipal share. Such moneys shall be deposited with the state comp-  
7 troller who is authorized to receive and accept the same for the  
8 purposes of such project, subject to the draft or requisition of the  
9 commissioner. When the work of such project has been completed, the  
10 commissioner shall render to the governing body of such municipality an  
11 itemized statement showing in full (a) the amount of money that has been  
12 deposited by such municipality with the state comptroller as hereinbe-  
13 fore provided, and (b) all disbursements made pursuant to this section  
14 for such project. Any surplus moneys shall be paid to such municipality  
15 on the warrant of the comptroller on vouchers therefor approved by the  
16 commissioner. When the work of such project has been completed and it is  
17 determined by the commissioner that the amount of the cost to be borne  
18 by the municipality is in excess of the amount deposited by such munici-  
19 pality with the state comptroller, the commissioner shall then notify  
20 the municipality of the deficiency of funds. The municipality shall then  
21 within ninety days of the receipt of such notice, pay such amount to the  
22 state comptroller. For purposes of this section, the term "municipality"  
23 shall include a city, county, town, village or two or more of the fore-  
24 going acting jointly.

25 § 4. Subdivision (e) of section 16 of chapter 329 of the laws of 1991,  
26 amending the state finance law and other laws relating to the establish-  
27 ment of a dedicated highway and bridge trust fund, is REPEALED.

1 § 5. Subdivision (e) of section 16-a of chapter 329 of the laws of  
2 1991, amending the state finance law and other laws relating to the  
3 establishment of a dedicated highway and bridge trust fund, is REPEALED.

4 § 6. Paragraph (a) of subdivision 5 of section 10-f of the highway  
5 law, as added by chapter 725 of the laws of 1993, is amended to read as  
6 follows:

7 (a) Funding of municipal projects will be made upon the application  
8 for funding of prior expenditures in a format prescribed by the commis-  
9 sioner. [Funding of qualifying municipal project expenditures shall be  
10 made from the proceeds of bonds, notes or other obligations issued  
11 pursuant to section three hundred eighty of the public authorities law.]  
12 Such funding of state projects may be pursuant to agreements between the  
13 commissioner and the New York state thruway authority and may be from  
14 the proceeds of bonds, notes or other obligations issued pursuant to  
15 section three hundred eighty-five of the public authorities law.

16 § 7. Paragraph (a) of subdivision 5 of section 10-g of the highway  
17 law, as added by chapter 725 of the laws of 1993, is amended to read as  
18 follows:

19 (a) Funding of municipal projects will be made upon the application  
20 for funding of prior expenditures in a format prescribed by the commis-  
21 sioner. [Funding of qualifying municipal project expenditures shall be  
22 made from the proceeds of bonds, notes or other obligations issued  
23 pursuant to section three hundred eighty of the public authorities law.]  
24 Such funding of state projects may be pursuant to agreements between the  
25 commissioner and the New York state thruway authority and may be from  
26 the proceeds of bonds, notes or other obligations issued pursuant to  
27 section three hundred eighty-five of the public authorities law.

28 § 8. This act shall take effect immediately.

1

## PART B

2 Section 1. Sections 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16 and 17 of  
3 part F of chapter 56 of the laws of 2011 permitting authorized state  
4 entities to utilize the design-build method for infrastructure projects  
5 are amended to read as follows:

6 § 3. For the purposes of this act:

7 (a) "authorized state entity" shall mean the New York state thruway  
8 authority, the department of transportation, the office of parks, recre-  
9 ation and historic preservation, the department of environmental conser-  
10 vation and the New York state bridge authority.

11 (b) "best value" shall mean the basis for awarding contracts for  
12 services to the offerer that optimize quality, cost and efficiency,  
13 price and performance criteria, which may include, but is not limited  
14 to:

- 15 1. The quality of the contractor's performance on previous projects;
- 16 2. The timeliness of the contractor's performance on previous  
17 projects;
- 18 3. The level of customer satisfaction with the contractor's perform-  
19 ance on previous projects;
- 20 4. The contractor's record of performing previous projects on budget  
21 and ability to minimize cost overruns;
- 22 5. The contractor's ability to limit change orders;
- 23 6. The contractor's ability to prepare appropriate project plans;
- 24 7. The contractor's technical capacities;
- 25 8. The individual qualifications of the contractor's key personnel;
- 26 9. The contractor's ability to assess and manage risk and minimize  
27 risk impact; and

1 10. The contractor's past record of compliance with article 15-A of  
2 the executive law.

3 Such basis shall reflect, wherever possible, objective and quantifi-  
4 able analysis.

5 (c) "capital project" shall have the same meaning as such term is  
6 defined by subdivision 2-a of section 2 of the state finance law.

7 (d) "cost plus" shall mean compensating a contractor for the cost to  
8 complete a contract by reimbursing actual costs for labor, equipment and  
9 materials plus an additional amount for overhead and profit.

10 (e) "design-build contract" shall mean a contract for the design and  
11 construction of a capital project with a single entity, which may be a  
12 team comprised of separate entities.

13 (f) "procurement record" means documentation of the decisions made and  
14 the approach taken in the procurement process.

15 (g) "authorized local entity" shall mean any city, town or village  
16 with a population of more than fifty thousand, or any county.

17 § 4. Notwithstanding the provisions of section 38 of the highway law,  
18 section 136-a of the state finance law, section 359 of the public  
19 authorities law, section 7210 of the education law, section 103 of the  
20 general municipal law, and the provisions of any other law to the  
21 contrary, and in conformity with the requirements of this act, an  
22 authorized state or local entity may utilize the alternative delivery  
23 method referred to as design-build contracts for capital projects  
24 related to the state's or local entity's physical infrastructure,  
25 including, but not limited to, the state's or local entity's highways,  
26 bridges, dams, flood control projects, canals, and parks, including, but  
27 not limited to, to repair damage caused by natural disaster, to correct  
28 health and safety defects, to comply with federal and state laws, stand-



1 ards, and regulations, to extend the useful life of or replace the  
2 state's or local entity's highways, bridges, dams, flood control  
3 projects, canals, and parks or to improve or add to the state's or local  
4 entity's highways, bridges, dams, flood control projects, canals, and  
5 parks; provided that for the contracts executed by the department of  
6 transportation, the office of parks, recreation and historic preserva-  
7 tion, or the department of environmental conservation, or by any local  
8 entity, the total cost of each such project shall not be less than one  
9 million two hundred thousand dollars (\$1,200,000); and further provided  
10 that authorized local entities may utilize the alternative delivery  
11 method referred to as design-build contracts only for capital projects  
12 that are not subject to section 101 of the general municipal law.

13 § 5. An entity selected by an authorized state or local entity to  
14 enter into a design-build contract shall be selected through a two-step  
15 method, as follows:

16 (a) Step one. Generation of a list of entities that have demonstrated  
17 the general capability to perform the design-build contract. Such list  
18 shall consist of a specified number of entities, as determined by an  
19 authorized state or local entity, and shall be generated based upon the  
20 authorized state or local entity's review of responses to a publicly  
21 advertised request for qualifications. The authorized state or local  
22 entity's request for qualifications shall include a general description  
23 of the project, the maximum number of entities to be included on the  
24 list, and the selection criteria to be used in generating the list. Such  
25 selection criteria shall include the qualifications and experience of  
26 the design and construction team, organization, demonstrated responsi-  
27 bility, ability of the team or of a member or members of the team to  
28 comply with applicable requirements, including the provisions of arti-

1 cles 145, 147 and 148 of the education law, past record of compliance  
2 with the labor law, and such other qualifications the authorized state  
3 or local entity deems appropriate which may include but are not limited  
4 to project understanding, financial capability and record of past  
5 performance. The authorized state or local entity shall evaluate and  
6 rate all entities responding to the request for qualifications. Based  
7 upon such ratings, the authorized state or local entity shall list the  
8 entities that shall receive a request for proposals in accordance with  
9 subdivision (b) of this section. To the extent consistent with applica-  
10 ble federal law, the authorized state entity shall consider, when award-  
11 ing any contract pursuant to this section, the participation of: (i)  
12 firms certified pursuant to article 15-A of the executive law as minori-  
13 ty or women-owned businesses and the ability of other businesses under  
14 consideration to work with minority and women-owned businesses so as to  
15 promote and assist participation by such businesses; and (ii) small  
16 business concerns identified pursuant to subdivision (b) of section  
17 139-g of the state finance law.

18 (b) Step two. Selection of the proposal which is the best value to the  
19 state or local entity. The authorized state or local entity shall issue  
20 a request for proposals to the entities listed pursuant to subdivision  
21 (a) of this section. If such an entity consists of a team of separate  
22 entities, the entities that comprise such a team must remain unchanged  
23 from the entity as listed pursuant to subdivision (a) of this section  
24 unless otherwise approved by the authorized state or local entity. The  
25 request for proposals shall set forth the project's scope of work, and  
26 other requirements, as determined by the authorized state or local enti-  
27 ty. The request for proposals shall specify the criteria to be used to  
28 evaluate the responses and the relative weight of each such criteria.

1 Such criteria shall include the proposal's cost, the quality of the  
2 proposal's solution, the qualifications and experience of the design-  
3 build entity, and other factors deemed pertinent by the authorized state  
4 or local entity, which may include, but shall not be limited to, the  
5 proposal's project implementation, ability to complete the work in a  
6 timely and satisfactory manner, maintenance costs of the completed  
7 project, maintenance of traffic approach, and community impact. Any  
8 contract awarded pursuant to this act shall be awarded to a responsive  
9 and responsible entity that submits the proposal, which, in consider-  
10 ation of these and other specified criteria deemed pertinent to the  
11 project, offers the best value to the state or local entity, as deter-  
12 mined by the authorized state or local entity. Nothing herein shall be  
13 construed to prohibit the authorized entity from negotiating final  
14 contract terms and conditions including cost.

15 § 7. Construction for each capital project undertaken by the author-  
16 ized state or local entity pursuant to this act shall be deemed a  
17 "public work" to be performed in accordance with the provisions of arti-  
18 cle 8 of the labor law, as well as subject to sections 200, 240, 241 and  
19 242 of the labor law and enforcement of prevailing wage requirements by  
20 the New York state department of labor.

21 § 8. If otherwise applicable, capital projects undertaken by the  
22 authorized state or local entity pursuant to this act shall be subject  
23 to section 135 of the state finance law and section 222 of the labor  
24 law.

25 § 10. Capital projects undertaken by the authorized state or local  
26 entity pursuant to this act shall be subject to the requirements of  
27 article eight of the environmental conservation law, and, where applica-  
28 ble, the requirements of the national environmental policy act.

1 § 11. If otherwise applicable, capital projects undertaken by the  
2 authorized state entity pursuant to this act shall be governed by  
3 sections 139-d, 139-j, 139-k, paragraph f of subdivision 1 and paragraph  
4 g of subdivision 9 of section 163 of the state finance law, and capital  
5 projects undertaken by the authorized local entity pursuant to this act  
6 shall be governed by section 103-d of the general municipal law.

7 § 13. Nothing contained in this act shall limit the right or obli-  
8 gation of the authorized state or local entity to comply with the  
9 provisions of any existing contract, including any existing contract  
10 with or for the benefit of the holders of the obligations of the author-  
11 ized state or local entity, or to award contracts as otherwise provided  
12 by law.

13 § 14. Alternative construction awarding processes. (i) Notwithstand-  
14 ing the provisions of any other law to the contrary, the authorized  
15 state or local entity may award a construction contract:

- 16 1. To the contractor offering the best value; or
- 17 2. Utilizing a cost-plus not to exceed guaranteed maximum price form  
18 of contract in which the authorized state or local entity shall be enti-  
19 tled to monitor and audit all project costs. In establishing the sched-  
20 ule and process for determining a guaranteed maximum price, the contract  
21 between the authorized state or local entity and the contractor shall:
  - 22 (a) describe the scope of the work and the cost of performing such  
23 work;
  - 24 (b) include a detailed line item cost breakdown;
  - 25 (c) include a list of all drawings, specifications and other informa-  
26 tion on which the guaranteed maximum price is based;
  - 27 (d) include the dates for substantial and final completion on which  
28 the guaranteed maximum price is based; and

1 (e) include a schedule of unit prices; or

2 3. Utilizing a lump sum contract in which the contractor agrees to  
3 accept a set dollar amount for a contract which comprises a single bid  
4 without providing a cost breakdown for all costs such as for equipment,  
5 labor, materials, as well as such contractor's profit for completing all  
6 items of work comprising the project.

7 (ii) Capital projects undertaken by an authorized state or local enti-  
8 ty may include an incentive clause in the contract for various perform-  
9 ance objectives, but the incentive clause shall not include an incentive  
10 that exceeds the quantifiable value of the benefit received by the state  
11 or local entity. The authorized state or local entity shall establish  
12 such performance and payment bonds as it deems necessary.

13 § 15. Prequalified contractors. (a) Notwithstanding any other  
14 provision of law, the authorized state or local entity may maintain a  
15 list of prequalified contractors who are eligible to submit a proposal  
16 pursuant to this act and entry into such list shall be continuously  
17 available. Prospective contractors may be prequalified as contractors to  
18 provide particular types of construction, in accordance with general  
19 criteria established by the authorized state or local entity which may  
20 include, but shall not be limited to, the experience, past performance,  
21 ability to undertake the type and complexity of work, financial capabil-  
22 ity, responsibility, compliance with equal employment opportunity  
23 requirements and anti-discrimination laws, and reliability. Such  
24 prequalification may be by categories designed by size and other  
25 factors.

26 (b) A contractor who is denied prequalification or whose prequalifica-  
27 tion is revoked or suspended by the authorized state or local entity may  
28 appeal such decision to the authorized state entity. If such a suspen-

1 sion extends for more than three months, it shall be deemed a revocation  
2 of the prequalification. The authorized state or local entity may  
3 proceed with the contract award during any appeal.

4 § 16. Nothing in this act shall affect existing powers of New York  
5 state public entities or local entities to use alternative project  
6 delivery methods.

7 § 17. This act shall take effect immediately [and shall expire and be  
8 deemed repealed 3 years after such date, provided that, projects with  
9 requests for qualifications issued prior to such repeal shall be permit-  
10 ted to continue under this act notwithstanding such repeal].

11 § 2. This act shall take effect immediately.

12 PART C

13 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003  
14 amending the vehicle and traffic law and other laws relating to increas-  
15 ing certain motor vehicle transaction fees, as amended by section 2 of  
16 part B of chapter 58 of the laws of 2013, is amended to read as follows:

17 § 13. This act shall take effect immediately; provided however that  
18 sections one through seven of this act, the amendments to subdivision 2  
19 of section 205 of the tax law made by section eight of this act, and  
20 section nine of this act shall expire and be deemed repealed on [March  
21 31] April 1, 2015; provided further, however, that the amendments to  
22 subdivision 3 of section 205 of the tax law made by section eight of  
23 this act shall expire and be deemed repealed on March 31, 2018; provided  
24 further, however, that the provisions of section eleven of this act  
25 shall take effect April 1, 2004 and shall expire and be deemed repealed  
26 on [March 31] April 1, 2015.

1 § 2. Section 2 of part B of chapter 84 of the laws of 2002, amending  
2 the state finance law relating to the costs of the department of motor  
3 vehicles, as amended by section 1 of part E of chapter 59 of the laws of  
4 2009, is amended to read as follows:

5 § 2. This act shall take effect April 1, 2002; provided, however, if  
6 this act shall become a law after such date it shall take effect imme-  
7 diately and shall be deemed to have been in full force and effect on and  
8 after April 1, 2002; provided further, however, that this act shall  
9 expire and be deemed repealed on [March 31] April 1, 2015.

10 § 3. Subdivision 4 of section 94 of the transportation law, as amended  
11 by section 1 of part D of chapter 101 of the laws of 2001, is amended to  
12 read as follows:

13 4. All fees charged and collected by the commissioner hereunder shall  
14 be deposited [to the miscellaneous special revenue fund - transportation  
15 regulation account for the purposes established in this section] by the  
16 comptroller into the special obligation reserve and payment account of  
17 the dedicated highway and bridge trust fund established pursuant to  
18 section eighty-nine-b of the state finance law.

19 § 4. Subdivision 4 of section 135 of the transportation law, as added  
20 by chapter 166 of the laws of 1991, is amended to read as follows:

21 4. All revenues collected pursuant to this section shall be deposited  
22 [to the miscellaneous special revenue fund--rail safety inspection  
23 account] by the comptroller into the special obligation reserve and  
24 payment account of the dedicated highway and bridge trust fund estab-  
25 lished pursuant to section eighty-nine-b of the state finance law for  
26 the purposes established in this section. Fees will be based on reven-  
27 ues from the preceding calendar year and shall be assessed on or before  
28 July first and are payable by September first of each year. On or before

1 January first of each year following assessment of fees pursuant to this  
2 section, the commissioner shall report to the railroad companies annual  
3 costs associated with this assessment.

4 § 5. Subdivision 5 of section 144 of the transportation law, as added  
5 by chapter 635 of the laws of 1983, is amended to read as follows:

6 5. For furnishing a certification of any paper, record or official  
7 document, one dollar. No fees shall be charged or collected for copies  
8 of papers, records or official documents, furnished to public officers  
9 for use in their official capacity, or for the annual reports of the  
10 commissioner in the ordinary course of distribution, but the commission-  
11 er may fix reasonable charges for copies of papers, records, official  
12 documents and other publications furnished or issued to others under  
13 this authority. All fees charged and collected by the commissioner  
14 [shall belong to the people of the state and shall be paid monthly,  
15 accompanied by a detailed statement thereof, into the treasury of the  
16 state to the credit of the general fund] pursuant to this section shall  
17 be deposited by the comptroller into the special obligation reserve and  
18 payment account of the dedicated highway and bridge trust fund estab-  
19 lished pursuant to section eighty-nine-b of the state finance law.

20 § 6. Section 145 of the transportation law is amended by adding a new  
21 subdivision 8 to read as follows:

22 8. All penalties charged and collected by the commissioner pursuant to  
23 this section shall be deposited by the comptroller into the special  
24 obligation reserve and payment account of the dedicated highway and  
25 bridge trust fund established pursuant to section eight-nine-b of the  
26 state finance law.

27 § 7. Section 88 of the highway law is amended by adding a new subdivi-  
28 sion 13 to read as follows:



1 13. All fees collected by the commissioner pursuant to this section  
2 shall be deposited by the comptroller into the special obligation  
3 reserve and payment account of the dedicated highway and bridge trust  
4 fund established pursuant to section eighty-nine-b of the state finance  
5 law.

6 § 8. Paragraph (a) of subdivision 3 of section 89-b of the state  
7 finance law, as amended by section 2 of part B of chapter 58 of the laws  
8 of 2012, is amended to read as follows:

9 (a) The special obligation reserve and payment account shall consist  
10 (i) of all moneys required to be deposited in the dedicated highway and  
11 bridge trust fund pursuant to the provisions of sections two hundred  
12 five, two hundred eighty-nine-e, three hundred one-j, five hundred  
13 fifteen and eleven hundred sixty-seven of the tax law, section four  
14 hundred one of the vehicle and traffic law, and section thirty-one of  
15 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all  
16 fees, fines or penalties collected by the commissioner of transportation  
17 pursuant to section fifty-two, section three hundred twenty-six, [and  
18 subdivisions five, eight and twelve of] section eighty-eight of the  
19 highway law, subdivision fifteen of section three hundred eighty-five of  
20 the vehicle and traffic law, section two of the chapter of the laws of  
21 two thousand three that amended this paragraph, subdivision (d) of  
22 section three hundred four-a, paragraph one of subdivision (a) and  
23 subdivision (d) of section three hundred five, subdivision six-a of  
24 section four hundred fifteen and subdivision (g) of section twenty-one  
25 hundred twenty-five of the vehicle and traffic law, section fifteen of  
26 this chapter, excepting moneys deposited with the state on account of  
27 betterments performed pursuant to subdivision twenty-seven or subdivi-  
28 sion thirty-five of section ten of the highway law, and sections nine-

1 ty-four, one hundred thirty-five, one hundred forty-four and one hundred  
2 forty-five of the transportation law, (iii) any moneys collected by the  
3 department of transportation for services provided pursuant to agree-  
4 ments entered into in accordance with section ninety-nine-r of the  
5 general municipal law, and (iv) any other moneys collected therefor or  
6 credited or transferred thereto from any other fund, account or source.

7 § 9. Paragraph (a) of subdivision 3 of section 89-b of the state  
8 finance law, as amended by section 3 of part B of chapter 58 of the laws  
9 of 2012, is amended to read as follows:

10 (a) The special obligation reserve and payment account shall consist  
11 (i) of all moneys required to be deposited in the dedicated highway and  
12 bridge trust fund pursuant to the provisions of sections two hundred  
13 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven  
14 hundred sixty-seven of the tax law, section four hundred one of the  
15 vehicle and traffic law, and section thirty-one of chapter fifty-six of  
16 the laws of nineteen hundred ninety-three, (ii) all fees, fines or  
17 penalties collected by the commissioner of transportation pursuant to  
18 section fifty-two, section three hundred twenty-six, [and subdivisions  
19 five, eight and twelve of] section eighty-eight of the highway law,  
20 subdivision fifteen of section three hundred eighty-five of the vehicle  
21 and traffic law, section fifteen of this chapter, excepting moneys  
22 deposited with the state on account of betterments performed pursuant to  
23 subdivision twenty-seven or subdivision thirty-five of section ten of  
24 the highway law, and sections ninety-four, one hundred thirty-five, one  
25 hundred forty-four and one hundred forty-five of the transportation law  
26 (iii) any moneys collected by the department of transportation for  
27 services provided pursuant to agreements entered into in accordance with  
28 section ninety-nine-r of the general municipal law, and (iv) any other

1 moneys collected therefor or credited or transferred thereto from any  
2 other fund, account or source.

3 § 10. Paragraph a of subdivision 5 of section 89-b of the state  
4 finance law, as amended by section 60 of part HH of chapter 57 of the  
5 laws of 2013, is amended to read as follows:

6 a. Moneys in the dedicated highway and bridge trust fund shall,  
7 following appropriation by the legislature, be utilized for: recon-  
8 struction, replacement, reconditioning, restoration, rehabilitation and  
9 preservation of state, county, town, city and village roads, highways,  
10 parkways, and bridges thereon, to restore such facilities to their  
11 intended functions; construction, reconstruction, enhancement and  
12 improvement of state, county, town, city, and village roads, highways,  
13 parkways, and bridges thereon, to address current and projected capacity  
14 problems including costs for traffic mitigation activities; aviation  
15 projects authorized pursuant to section fourteen-j of the transportation  
16 law and for payments to the general debt service fund of amounts equal  
17 to amounts required for service contract payments related to aviation  
18 projects as provided and authorized by section three hundred eighty-six  
19 of the public authorities law; programs to assist small and minority and  
20 women-owned firms engaged in transportation construction and recon-  
21 struction projects, including a revolving fund for working capital  
22 loans, and a bonding guarantee assistance program in accordance with  
23 provisions of this chapter; matching federal grants or apportionments to  
24 the state for highway, parkway and bridge capital projects; the acquisi-  
25 tion of real property and interests therein required or expected to be  
26 required in connection with such projects; preventive maintenance activ-  
27 ities necessary to ensure that highways, parkways and bridges meet or  
28 exceed their optimum useful life; expenses of control of snow and ice on

1 state highways by the department of transportation including but not  
2 limited to personal services, nonpersonal services and fringe benefits,  
3 payment of emergency aid for control of snow and ice in municipalities  
4 pursuant to section fifty-five of the highway law, expenses of control  
5 of snow and ice on state highways by municipalities pursuant to section  
6 twelve of the highway law, and for expenses of arterial maintenance  
7 agreements with cities pursuant to section three hundred forty-nine of  
8 the highway law; personal services, nonpersonal services, and fringe  
9 benefit costs of the department of transportation for bus safety  
10 inspection activities, rail safety inspection activities, and truck  
11 safety inspection activities; costs of the department of motor vehicles,  
12 including but not limited to personal and nonpersonal services; costs of  
13 engineering and administrative services of the department of transporta-  
14 tion, including but not limited to fringe benefits; the contract  
15 services provided by private firms in accordance with section fourteen  
16 of the transportation law; personal services and nonpersonal services,  
17 for activities including but not limited to the preparation of designs,  
18 plans, specifications and estimates; construction management and super-  
19 vision activities; costs of appraisals, surveys, testing and environ-  
20 mental impact statements for transportation projects; expenses in  
21 connection with buildings, equipment, materials and facilities used or  
22 useful in connection with the maintenance, operation, and repair of  
23 highways, parkways and bridges thereon; and project costs for:  
24 construction, reconstruction, improvement, reconditioning and preserva-  
25 tion of rail freight facilities and intercity rail passenger facilities  
26 and equipment; construction, reconstruction, improvement, reconditioning  
27 and preservation of state, municipal and privately owned ports;  
28 construction, reconstruction, improvement, reconditioning and preserva-

1 tion of municipal airports; privately owned airports and aviation capi-  
2 tal facilities, excluding airports operated by the state or operated by  
3 a bi-state municipal corporate instrumentality for which federal funding  
4 is not available provided the project is consistent with an approved  
5 airport layout plan; and construction, reconstruction, enhancement,  
6 improvement, replacement, reconditioning, restoration, rehabilitation  
7 and preservation of state, county, town, city and village roads, high-  
8 ways, parkways and bridges; and construction, reconstruction, improve-  
9 ment, reconditioning and preservation of fixed ferry facilities of  
10 municipal and privately owned ferry lines for transportation purposes,  
11 and the payment of debt service required on any bonds, notes or other  
12 obligations and related expenses for highway, parkway, bridge and  
13 project costs for: construction, reconstruction, improvement, recondi-  
14 tioning and preservation of rail freight facilities and intercity rail  
15 passenger facilities and equipment; construction, reconstruction,  
16 improvement, reconditioning and preservation of state, municipal and  
17 privately owned ports; construction, reconstruction, improvement, recon-  
18 ditioning and preservation of municipal airports; privately owned  
19 airports and aviation capital facilities, excluding airports operated by  
20 the state or operated by a bi-state municipal corporate instrumentality  
21 for which federal funding is not available provided the project is  
22 consistent with an approved airport layout plan; construction, recon-  
23 struction, enhancement, improvement, replacement, reconditioning, resto-  
24 ration, rehabilitation and preservation of state, county, town, city and  
25 village roads, highways, parkways and bridges; and construction, recon-  
26 struction, improvement, reconditioning and preservation of fixed ferry  
27 facilities of municipal and privately owned ferry lines for transporta-  
28 tion purposes, purposes authorized on or after the effective date of

1 this section. Beginning with disbursements made on and after the first  
2 day of April, nineteen hundred ninety-three, moneys in such fund shall  
3 be available to pay such costs or expenses made pursuant to appropri-  
4 ations or reappropriations made during the state fiscal year which began  
5 on the first of April, nineteen hundred ninety-two. Beginning the first  
6 day of April, nineteen hundred ninety-three, moneys in such fund shall  
7 also be used for transfers to the general debt service fund and the  
8 revenue bond tax fund of amounts equal to that respectively required for  
9 service contract and financing agreement payments as provided and  
10 authorized by section three hundred eighty of the public authorities  
11 law, section eleven of chapter three hundred twenty-nine of the laws of  
12 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and  
13 sixty-nine-o of this chapter.

14 § 11. Paragraph a of subdivision 5 of section 89-b of the state  
15 finance law, as amended by section 60-a of part HH of chapter 57 of the  
16 laws of 2013, is amended to read as follows:

17 a. Moneys in the dedicated highway and bridge trust fund shall,  
18 following appropriation by the legislature, be utilized for: recon-  
19 struction, replacement, reconditioning, restoration, rehabilitation and  
20 preservation of state, county, town, city and village roads, highways,  
21 parkways, and bridges thereon, to restore such facilities to their  
22 intended functions; construction, reconstruction, enhancement and  
23 improvement of state, county, town, city, and village roads, highways,  
24 parkways, and bridges thereon, to address current and projected capacity  
25 problems including costs for traffic mitigation activities; aviation  
26 projects authorized pursuant to section fourteen-j of the transportation  
27 law and for payments to the general debt service fund of amounts equal  
28 to amounts required for service contract payments related to aviation

1 projects as provided and authorized by section three hundred eighty-six  
2 of the public authorities law; programs to assist small and minority and  
3 women-owned firms engaged in transportation construction and recon-  
4 struction projects, including a revolving fund for working capital  
5 loans, and a bonding guarantee assistance program in accordance with  
6 provisions of this chapter; matching federal grants or apportionments to  
7 the state for highway, parkway and bridge capital projects; the acquisi-  
8 tion of real property and interests therein required or expected to be  
9 required in connection with such projects; preventive maintenance activ-  
10 ities necessary to ensure that highways, parkways and bridges meet or  
11 exceed their optimum useful life; expenses of control of snow and ice on  
12 state highways by the department of transportation including but not  
13 limited to personal services, nonpersonal services and fringe benefits,  
14 payment of emergency aid for control of snow and ice in municipalities  
15 pursuant to section fifty-five of the highway law, expenses of control  
16 of snow and ice on state highways by municipalities pursuant to section  
17 twelve of the highway law, and for expenses of arterial maintenance  
18 agreements with cities pursuant to section three hundred forty-nine of  
19 the highway law; personal services, nonpersonal services, and fringe  
20 benefit costs of the department of transportation for bus safety  
21 inspection activities, rail safety inspection activities, and truck  
22 safety inspection activities; costs of engineering and administrative  
23 services of the department of transportation, including but not limited  
24 to fringe benefits; the contract services provided by private firms in  
25 accordance with section fourteen of the transportation law; personal  
26 services and nonpersonal services, for activities including but not  
27 limited to the preparation of designs, plans, specifications and esti-  
28 mates; construction management and supervision activities; costs of

1 appraisals, surveys, testing and environmental impact statements for  
2 transportation projects; expenses in connection with buildings, equip-  
3 ment, materials and facilities used or useful in connection with the  
4 maintenance, operation, and repair of highways, parkways and bridges  
5 thereon; and project costs for: construction, reconstruction, improve-  
6 ment, reconditioning and preservation of rail freight facilities and  
7 intercity rail passenger facilities and equipment; construction, recon-  
8 struction, improvement, reconditioning and preservation of state, munic-  
9 ipal and privately owned ports; construction, reconstruction, improve-  
10 ment, reconditioning and preservation of municipal airports; privately  
11 owned airports and aviation capital facilities, excluding airports oper-  
12 ated by the state or operated by a bi-state municipal corporate instru-  
13 mentality for which federal funding is not available provided the  
14 project is consistent with an approved airport layout plan; and  
15 construction, reconstruction, enhancement, improvement, replacement,  
16 reconditioning, restoration, rehabilitation and preservation of state,  
17 county, town, city and village roads, highways, parkways and bridges;  
18 and construction, reconstruction, improvement, reconditioning and pres-  
19 ervation of fixed ferry facilities of municipal and privately owned  
20 ferry lines for transportation purposes, and the payment of debt service  
21 required on any bonds, notes or other obligations and related expenses  
22 for highway, parkway, bridge and project costs for: construction, recon-  
23 struction, improvement, reconditioning and preservation of rail freight  
24 facilities and intercity rail passenger facilities and equipment;  
25 construction, reconstruction, improvement, reconditioning and preserva-  
26 tion of state, municipal and privately owned ports; construction, recon-  
27 struction, improvement, reconditioning and preservation of municipal  
28 airports; privately owned airports and aviation capital facilities,



1 excluding airports operated by the state or operated by a bi-state  
2 municipal corporate instrumentality for which federal funding is not  
3 available provided the project is consistent with an approved airport  
4 layout plan; construction, reconstruction, enhancement, improvement,  
5 replacement, reconditioning, restoration, rehabilitation and preserva-  
6 tion of state, county, town, city and village roads, highways, parkways  
7 and bridges; and construction, reconstruction, improvement, recondition-  
8 ing and preservation of fixed ferry facilities of municipal and private-  
9 ly owned ferry lines for transportation purposes, purposes authorized on  
10 or after the effective date of this section. Beginning with disburse-  
11 ments made on and after the first day of April, nineteen hundred nine-  
12 ty-three, moneys in such fund shall be available to pay such costs or  
13 expenses made pursuant to appropriations or reappropriations made during  
14 the state fiscal year which began on the first of April, nineteen  
15 hundred ninety-two. Beginning the first day of April, nineteen hundred  
16 ninety-three, moneys in such fund shall also be used for transfers to  
17 the general debt service fund and the revenue bond tax fund of amounts  
18 equal to that respectively required for service contract and financing  
19 agreement payments as provided and authorized by section three hundred  
20 eighty of the public authorities law, section eleven of chapter three  
21 hundred twenty-nine of the laws of nineteen hundred ninety-one, as  
22 amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

23 § 12. This act shall take effect immediately, provided that the  
24 amendments to paragraph (a) of subdivision 3 of section 89-b of the  
25 state finance law made by section eight of this act shall be subject to  
26 the expiration and reversion of such paragraph pursuant to section 13 of  
27 part U1 of chapter 62 of the laws of 2003, as amended, when upon such  
28 date the provisions of section nine of this act shall take effect; and

1 provided further that the amendments to paragraph a of subdivision 5 of  
2 section 89-b of the state finance law made by section ten of this act  
3 shall be subject to the expiration and reversion of such paragraph  
4 pursuant to section 2 of part B of chapter 84 of the laws of 2002, as  
5 amended, when upon such date the provisions of section eleven of this  
6 act shall take effect.

7 PART D

8 Section 1. Section 2 of part D of chapter 58 of the laws of 2013,  
9 relating to the hours of operation of the department of motor vehicles  
10 and providing for the repeal of such provisions upon expiration thereof,  
11 is amended to read as follows:

12 § 2. This act shall take effect immediately [and shall expire and be  
13 deemed repealed two years after such date].

14 § 2. This act shall take effect immediately.

15 PART E

16 Section 1. The article heading of article 12-C of the vehicle and  
17 traffic law, as added by chapter 751 of the laws of 2005, is amended to  
18 read as follows:

19 ACCIDENT PREVENTION COURSE INTERNET, AND

20 OTHER TECHNOLOGY [PILOT] PROGRAM

21 § 2. Sections 399-m and 399-o of the vehicle and traffic law are  
22 REPEALED.

23 § 3. Sections 399-k and 399-l of the vehicle and traffic law, as added  
24 by chapter 751 of the laws of 2005, are amended to read as follows:

1 § 399-k. Accident prevention course internet technology [pilot]  
2 program. The commissioner shall establish and implement a comprehensive  
3 [pilot] program to [review and study] allow internet, and other technol-  
4 ogies as approved by the commissioner, as a training method for the  
5 administration and completion of an approved accident prevention course  
6 for the purposes of granting point and insurance premium reduction bene-  
7 fits.

8 § 399-1. Application. Applicants for participation in the [pilot]  
9 program established pursuant to this article shall be among those acci-  
10 dent prevention course sponsoring agencies that have a course approved  
11 by the commissioner pursuant to article twelve-B of this title [prior to  
12 the effective date of this article and which deliver] and have satisfac-  
13 torily delivered such course to the public for a period of one year and  
14 continue to deliver such course, unless exempted by the commissioner.  
15 [Provided, however, the commissioner may, in his or her discretion,  
16 approve applications after such date.] In order to be approved for  
17 participation in such [pilot] program, the course must comply with the  
18 provisions of law, rules and regulations applicable thereto. The  
19 commissioner may, in his or her discretion, impose a fee for the  
20 submission of each application to participate in the [pilot] program  
21 established pursuant to this article. Such fee shall not exceed seven  
22 thousand five hundred dollars. The proceeds from such fee shall be  
23 deposited in the accident prevention course internet technology [pilot]  
24 program fund as established by section eighty-nine-g of the state  
25 finance law.

26 § 4. Subdivision 2 of section 399-n of the vehicle and traffic law, as  
27 added by chapter 751 of the laws of 2005, is amended to read as follows:

1 2. The commissioner is authorized to impose a fee upon each accident  
2 prevention course sponsoring agency approved for participation in the  
3 [pilot] program, which shall not exceed eight dollars for each student  
4 who completes an accident prevention course by means of the [pilot]  
5 program established pursuant to this article.

6 § 5. The section heading, subdivisions 1 and 3 of section 89-g of the  
7 state finance law, as added by chapter 751 of the laws of 2005, are  
8 amended to read as follows:

9 Accident prevention course internet, and other technology [pilot]  
10 program fund. 1. There is hereby established in the joint custody of the  
11 state comptroller and the commissioner of taxation and finance a special  
12 fund to be known as the "accident prevention course internet, and other  
13 technology [pilot] program fund".

14 3. The moneys in the accident prevention course internet, and other  
15 technology [pilot] program fund shall be kept separate and shall not be  
16 commingled with any other moneys in the custody of the commissioner of  
17 taxation and finance and the state comptroller.

18 § 6. Section 5 of chapter 751 of the laws of 2005, amending the insur-  
19 ance law and the vehicle and traffic law, relating to establishing the  
20 accident prevention course internet technology pilot program, is amended  
21 to read as follows:

22 § 5. This act shall take effect on the one hundred eightieth day after  
23 it shall have become a law [and shall expire and be deemed repealed five  
24 years after the date that the accident prevention course internet, and  
25 other technology pilot program is established and implemented by the  
26 commissioner of motor vehicles pursuant to article 12-C of the vehicle  
27 and traffic law, as added by section three of this act]; provided that  
28 any rules and regulations necessary to implement the provisions of this

1 act on its effective date are authorized and directed to be completed on  
2 or before such date; and provided, further, that the commissioner of  
3 motor vehicles shall notify the legislative bill drafting commission of  
4 the date he or she establishes and implements the accident prevention  
5 course internet technology pilot program pursuant to article 12-C of the  
6 vehicle and traffic law, as added by section three of this act, in order  
7 that such commission may maintain an accurate and timely effective data  
8 base of the official text of the laws of the state of New York in furth-  
9 erance of effecting the provisions of section 44 of the legislative law  
10 and section 70-b of the public officers law.

11 § 7. This act shall take effect immediately; provided that sections  
12 one through five of this act shall take effect May 18, 2014.

13 PART F

14 Section 1. Subdivision 3 of section 510-a of the vehicle and traffic  
15 law is amended by adding a new paragraph (f) to read as follows:

16 (f) A commercial driver's license shall be suspended by the commis-  
17 sioner if the holder fails to amend the license to add or remove a  
18 license restriction as directed by the commissioner. Such suspension  
19 shall remain in effect until the holder of the commercial driver's  
20 license amends his or her license as directed by the commissioner. The  
21 commissioner shall direct the holder of such commercial driver's  
22 license, by first class mail to the address of such person on file with  
23 the department or at the current address provided by the United States  
24 postal service, to amend his or her commercial driver's license by  
25 adding or removing a specified restriction, and that failure to amend  
26 such license as directed shall result in the suspension of his or her

1 commercial driver's license no earlier than thirty days from the date of  
2 the notice to such holder.

3 § 2. Subdivision 1-a of section 509 of the vehicle and traffic law, as  
4 added by section 1 of part J of chapter 59 of the laws of 2006, is  
5 amended to read as follows:

6 1-a. Whenever a license is required to operate a commercial motor  
7 vehicle, no person shall operate a commercial motor vehicle without the  
8 proper endorsements for the specific vehicle being operated or for the  
9 passengers or type of cargo being transported; or without the proper  
10 restrictions or with restrictions that are inapplicable to or inappro-  
11 priate for the holder for his or her operation of commercial motor vehi-  
12 cles.

13 § 3. This act shall take effect immediately.

14 PART G

15 Section 1. Section 2985 of title 11 of article 9 of the public author-  
16 ities law is designated title 11-A and such title is amended by adding a  
17 new title heading to read as follows:

18 TOLL COLLECTIONS

19 § 2. Subdivision 1 of section 2985 of the public authorities law, as  
20 added by chapter 379 of the laws of 1992, is amended to read as follows:

21 1. Notwithstanding any other provision of law, every public authority  
22 which operates a toll highway bridge and/or tunnel facility is hereby  
23 authorized and empowered to impose monetary liability [on the owner of a  
24 vehicle] for failure [of an operator thereof] to comply with the toll  
25 collection regulations of such public authority in accordance with the  
26 provisions of this section.

1 § 3. Subdivision 3 of section 2985 of the public authorities law, as  
2 added by chapter 379 of the laws of 1992, is amended to read as follows:

3 3. For purposes of this section, the term "owner" shall mean any  
4 person, corporation, partnership, firm, agency, association, lessor or  
5 organization who, at the time of the violation or when the obligation to  
6 pay the toll is incurred and with respect to the vehicle identified in  
7 the notice of liability: (a) is the beneficial or equitable owner of  
8 such vehicle; or (b) has title to such vehicle; or (c) is the registrant  
9 or co-registrant of such vehicle which is registered with the department  
10 of motor vehicles of this state or any other state, territory, district,  
11 province, nation or other jurisdiction; or (d) subject to the limita-  
12 tions set forth in subdivision ten of this section, uses such vehicle in  
13 its vehicle renting and/or leasing business; and includes (e) a person  
14 entitled to the use and possession of a vehicle subject to a security  
15 interest in another person. For purposes of this section, the term  
16 "photo-monitoring system" shall mean a vehicle sensor installed to work  
17 in conjunction with a toll collection facility which automatically  
18 produces one or more photographs, one or more microphotographs, a vide-  
19 otape or other recorded images of each vehicle at the time it is used or  
20 operated in [violation of toll collection regulations] or upon a toll  
21 facility. For purposes of this section, the term "toll collection regu-  
22 lations" shall mean: those rules and regulations of a public authority  
23 providing for and requiring the payment of tolls and/or charges  
24 prescribed by such public authority for the use of bridges, tunnels or  
25 highways under its jurisdiction or those rules and regulations of a  
26 public authority making it unlawful to refuse to pay or to evade or to  
27 attempt to evade the payment of all or part of any toll and/or charge  
28 for the use of bridges, tunnels or highways under the jurisdiction of

1 such public authority. For purposes of this section, the term "vehicle"  
2 shall mean every device in, upon or by which a person or property is or  
3 may be transported or drawn upon a highway, except devices used exclu-  
4 sively upon stationary rails or tracks.

5 § 4. Subdivision 4 of section 2985 of the public authorities law, as  
6 added by chapter 379 of the laws of 1992, is amended to read as follows:

7 4. A certificate, sworn to or affirmed by an agent of the public  
8 authority which charged that the violation occurred, or a facsimile  
9 thereof, based upon inspection of [photographs, microphotographs, vide-  
10 otape or other recorded images] data or images produced by [a photo-mon-  
11 itoring] an electronic toll collection system or other records main-  
12 tained by or on behalf of the public authority regarding toll violations  
13 shall be prima facie evidence of the facts contained therein and shall  
14 be admissible in any proceeding charging a violation of toll collection  
15 regulations, provided that any [photographs, microphotographs, videotape  
16 or other recorded images] such data, images, or records evidencing such  
17 a violation shall be available for inspection and admission into  
18 evidence in any proceeding to adjudicate the liability for such  
19 violation.

20 § 5. Subdivision 5 of section 2985 of the public authorities law, as  
21 added by chapter 379 of the laws of 1992, is amended to read as follows:

22 5. An owner found liable for a violation of toll collection regu-  
23 lations pursuant to this section shall for a first violation thereof be  
24 liable for the full amount of the assessed tolls and other charges and  
25 fees in addition to a monetary penalty not to exceed [fifty] one hundred  
26 dollars or two times the toll evaded whichever is greater; for a second  
27 violation thereof both within eighteen months be liable for the full  
28 amount of the assessed tolls and other charges and fees in addition to a



1 monetary penalty not to exceed [one] two hundred dollars or five times  
2 the toll evaded whichever is greater; for a third or subsequent  
3 violation thereof all within eighteen months be liable for the full  
4 amount of the assessed tolls and other charges and fees in addition to a  
5 monetary penalty not to exceed [one] three hundred [fifty] dollars or  
6 ten times the toll evaded whichever is greater.

7 § 6. Paragraphs (a), (b) and (d) of subdivision 7 of section 2985 of  
8 the public authorities law, as added by chapter 379 of the laws of 1992,  
9 are amended to read as follows:

10 (a) A notice of liability shall be sent by first class mail to each  
11 person alleged to be liable as an owner for a violation of toll  
12 collection regulations. Such notice shall be mailed no later than [thir-  
13 ty] one hundred twenty days after the alleged violation. Personal deliv-  
14 ery on the owner shall not be required. A manual or automatic record of  
15 mailing prepared in the ordinary course of business shall be prima facie  
16 evidence of the mailing of the notice.

17 (b) A notice of liability shall contain the name and address of the  
18 person alleged to be liable as an owner for a violation of toll  
19 collection regulations pursuant to this section, the registration number  
20 and state of registration of the vehicle involved in such violation, the  
21 [location where such violation took place, the date and time] locations,  
22 dates and times of each use of the facility that forms the basis of such  
23 violation, the amount of the assessed tolls and other charges and fees,  
24 and the identification number of the [photo-monitoring] electronic toll  
25 collection system which recorded the [violation] vehicle being used or  
26 operated on the toll facility or other document locator number.

1 (d) The notice of liability shall be prepared and mailed by or on  
2 behalf of the public authority having jurisdiction over the toll facili-  
3 ty where the violation of toll collection regulations occurred.

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

6 8. Adjudication of the liability imposed upon owners by this section  
7 shall be by the entity having jurisdiction over violations of the rules  
8 and regulations of the public authority serving the notice of liability  
9 or where authorized by an administrative tribunal and all violations  
10 shall be heard and determined in the county in which the violation is  
11 alleged to have occurred, or in New York city and upon the consent of  
12 both parties, in any county within New York city in which the public  
13 authority operates or maintains a facility, and in the same manner as  
14 charges of other regulatory violations of such public authority or  
15 pursuant to the rules and regulations of such administrative tribunal as  
16 the case may be. The entity or administrative tribunal that adjudicates  
17 liability for a violation shall collect the full amount of the assessed  
18 tolls and other charges and fees in addition to the monetary penalty  
19 owed, and shall pay to the public authority whose toll collection regu-  
20 lations were violated the full amount of the assessed tolls and other  
21 charges and fees and one-half of the monetary penalty.

22 § 8. Subdivision 10 of section 2985 of the public authorities law, as  
23 amended by chapter 666 of the laws of 1993, is amended to read as  
24 follows:

25 10. An owner who is a lessor of a vehicle to which a notice of liabil-  
26 ity was issued pursuant to subdivision seven of this section shall not  
27 be liable for the violation of the toll collection regulation provided  
28 that he or she sends to the public authority [serving the notice of

1 liability and to the court or other entity having jurisdiction] or its  
2 duly authorized agent for this purpose a copy of the rental, lease or  
3 other such contract document covering such vehicle on the date of [the  
4 violation] use of a toll facility, with the name and address of the  
5 lessee clearly legible, within thirty days after receiving [the  
6 original] notice of [liability] use of the toll facility by such  
7 vehicle. Failure to send such information within such thirty day time  
8 period shall render the lessor liable for the penalty prescribed by this  
9 section. Where the lessor complies with the provisions of this subdivi-  
10 sion, the lessee of such vehicle on the date of such [violation] use of  
11 the toll facility shall be deemed to be the owner of such vehicle for  
12 purposes of this section and shall be subject to liability for the  
13 violation of toll collection regulations[, provided that the public  
14 authority mails a notice of liability to the lessee within ten days  
15 after the court, or other entity having jurisdiction, deems the lessee  
16 to be the owner]. For purposes of this subdivision the term "lessor"  
17 shall mean any person, corporation, firm, partnership, agency, associ-  
18 ation or organization engaged in the business of renting or leasing  
19 vehicles to any lessee under a rental agreement, lease or otherwise  
20 wherein the said lessee has the exclusive use of said vehicle for any  
21 period of time. For purposes of this subdivision, the term "lessee"  
22 shall mean any person, corporation, firm, partnership, agency, associ-  
23 ation or organization that rents, leases or contracts for the use of one  
24 or more vehicles and has exclusive use thereof for any period of time.

25 § 9. Subdivision 11 of section 2985 of the public authorities law, as  
26 added by chapter 379 of the laws of 1992, is amended to read as follows:

27 11. Except as provided in subdivision ten of this section, if a person  
28 receives a notice of liability pursuant to this section it shall be a

1 valid defense to an allegation of liability for a violation of toll  
2 collection regulations that the individual who received the notice of  
3 liability pursuant to this section was not the owner of the vehicle at  
4 the time the [violation occurred] obligation for payment of the toll and  
5 other charges was incurred. If the owner liable for a violation of toll  
6 collection regulations pursuant to this section was not the operator of  
7 the vehicle at the time of the violation, the owner may maintain an  
8 action for indemnification against the operator.

9 § 10. Subdivision 12 of section 2985 of the public authorities law, as  
10 added by chapter 379 of the laws of 1992, is amended to read as follows:

11 12. "Electronic toll collection system" shall mean a system of  
12 collecting tolls or other charges [which is capable of charging an  
13 account holder the appropriate toll or charge by transmission of infor-  
14 mation from an electronic device on a motor vehicle to the toll lane,  
15 which information is used to charge the account the appropriate toll or  
16 charge] using electronic data and images. In adopting procedures for  
17 the preparation and mailing of a notice of liability, the public author-  
18 ity having jurisdiction over the toll facility shall adopt guidelines to  
19 ensure adequate and timely notice to all electronic toll collection  
20 system account holders to inform them when their accounts are delin-  
21 quent. An owner who is an account holder under the electronic toll  
22 collection system shall not be found liable for a violation of this  
23 section unless such authority has first sent a notice of delinquency to  
24 such account holder and the account holder was in fact delinquent at the  
25 time of the violation.

26 § 11. Section 2985 of the public authorities law is amended by adding  
27 three new subdivisions 15, 16 and 17 to read as follows:

1 15. In additional to any monetary liability that may be imposed  
2 pursuant to this section, a public authority that operates a toll high-  
3 way, bridge or tunnel facility is hereby authorized and empowered to  
4 impose an administrative fee or fees on an owner, an operator or an  
5 account holder that has violated toll collection regulations.

6 16. Any notice required to be sent pursuant to this section by first  
7 class mail may instead be sent, with consent, by electronic means of  
8 communication. A manual or automatic record of electronic communications  
9 prepared in this ordinary course of business shall be adequate evidence  
10 of electronic notice.

11 17. The New York state thruway authority and the New York state bridge  
12 authority are authorized to adopt rules and regulations to establish an  
13 administrative tribunal to adjudicate the liability of owners for  
14 violation of toll collection regulations as defined in and in accordance  
15 with the provisions of this section and the applicable toll regulations  
16 of such authorities. Such tribunal shall have, with respect to violation  
17 of toll collection regulations of such authorities, non-exclusive juris-  
18 diction over violations of the rules and regulations which may from time  
19 to time be established by such authorities in accordance with the  
20 provisions of this section. Violations shall be heard and determined in  
21 the county in which the violation is alleged to have occurred or in the  
22 county in which the public authority has its primary or regional admin-  
23 istrative offices and regulations may provide for the conduct of hear-  
24 ings via videoconferencing.

25 § 12. Subdivision 2 of section 87 of the public officers law is  
26 amended by adding a new paragraph (n) to read as follows:

1 (n) are data or images produced by an electronic toll collection  
2 system under authority of section two thousand nine hundred eighty-five  
3 of the public authorities law.

4 § 13. Subdivision 4-d of section 510 of the vehicle and traffic law,  
5 as added by chapter 379 of the laws of 1992, is amended to read as  
6 follows:

7 4-d. Suspension of registration for failure to answer or pay penalties  
8 with respect to certain violations. Upon the receipt of a notification,  
9 in the manner and form prescribed by the commissioner, from a court  
10 [or], an administrative tribunal, a public authority, or any other  
11 public entity imposing violations, that an owner of a motor vehicle  
12 failed to appear on the return date or dates or a new subsequent  
13 adjourned date or dates or failed to pay any penalty imposed by a court  
14 or failed to comply with the rules and regulations of an administrative  
15 tribunal following entry of a final decision or decisions, in response  
16 to [five] three or more notices of liability or other process, issued  
17 within an eighteen month period from any and all jurisdictions charging  
18 such owner with a violation of toll collection regulations in accordance  
19 with the provisions of section two thousand nine hundred eighty-five of  
20 the public authorities law or sections sixteen-a, sixteen-b and  
21 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
22 hundred fifty, or other comparable law, the commissioner or his or her  
23 agent shall suspend the registration of the vehicle or vehicles involved  
24 in the violation or the privilege of operation of any motor vehicle  
25 owned by the registrant. Such suspension shall take effect no less than  
26 thirty days from the date on which notice thereof is sent by the commis-  
27 sioner to the person whose registration or privilege is suspended and  
28 shall remain in effect until such registrant has appeared in response to

1 such notices of liability or has paid such penalty or in the case of an  
2 administrative tribunal, the registrant has complied with the rules and  
3 regulations following the entry of a final decision or decisions.

4 § 14. Subdivision 8 of section 402 of the vehicle and traffic law, as  
5 amended by chapter 61 of the laws of 1989 and as renumbered by chapter  
6 648 of the laws of 2006, is amended and a new subdivision 9 is added to  
7 read as follows:

8 8. [The] Except as provided in subdivision nine of this section, the  
9 violation of this section shall be punishable by a fine of not less than  
10 twenty-five nor more than two hundred dollars.

11 9. The violation of this section on a toll highway, bridge and/or  
12 tunnel facility shall be punishable by a fine of not less than one  
13 hundred nor more than five hundred dollars.

14 § 15. Subparagraph (i) of paragraph a of subdivision 5-a of section  
15 401 of the vehicle and traffic law, as amended by section 9 of chapter  
16 189 of the laws of 2013, is amended to read as follows:

17 (i) If at the time of application for a registration or renewal there-  
18 of there is a certification from a court, parking violations bureau,  
19 traffic and parking violations agency or administrative tribunal of  
20 appropriate jurisdiction [or administrative tribunal of appropriate  
21 jurisdiction] that the registrant or his or her representative failed to  
22 appear on the return date or any subsequent adjourned date or failed to  
23 comply with the rules and regulations of an administrative tribunal  
24 following entry of a final decision in response to a total of three or  
25 more summonses or other process in the aggregate, issued within an eigh-  
26 teen month period, charging either that: (i) such motor vehicle was  
27 parked, stopped or standing, or that such motor vehicle was operated for  
28 hire by the registrant or his or her agent without being licensed as a

1 motor vehicle for hire by the appropriate local authority, in violation  
2 of any of the provisions of this chapter or of any law, ordinance, rule  
3 or regulation made by a local authority; or (ii) the registrant was  
4 liable in accordance with section eleven hundred eleven-a of this chap-  
5 ter or section eleven hundred eleven-b of this chapter for a violation  
6 of subdivision (d) of section eleven hundred eleven of this chapter; or  
7 (iii) the registrant was liable in accordance with section eleven  
8 hundred eleven-c of this chapter for a violation of a bus lane  
9 restriction as defined in such section, or (iv) the registrant was  
10 liable in accordance with section eleven hundred eighty-b of this chap-  
11 ter for a violation of subdivision (c) or (d) of section eleven hundred  
12 eighty of this chapter; or (v) the registrant was liable in accordance  
13 with section two thousand nine hundred eighty-five of the public author-  
14 ities law or sections sixteen-a, sixteen-b or sixteen-c of chapter seven  
15 hundred seventy-four of the laws of nineteen hundred fifty, the commis-  
16 sioner or his or her agent shall deny the registration or renewal appli-  
17 cation until the applicant provides proof from the court, traffic and  
18 parking violations agency or administrative tribunal wherein the charges  
19 are pending that an appearance or answer has been made or in the case of  
20 an administrative tribunal that he or she has complied with the rules  
21 and regulations of said tribunal following entry of a final decision.  
22 Where an application is denied pursuant to this section, the commission-  
23 er may, in his or her discretion, deny a registration or renewal appli-  
24 cation to any other person for the same vehicle and may deny a registra-  
25 tion or renewal application for any other motor vehicle registered in  
26 the name of the applicant where the commissioner has determined that  
27 such registrant's intent has been to evade the purposes of this subdivi-  
28 sion and where the commissioner has reasonable grounds to believe that



1 such registration or renewal will have the effect of defeating the  
2 purposes of this subdivision. Such denial shall only remain in effect as  
3 long as the summonses remain unanswered, or in the case of an adminis-  
4 trative tribunal, the registrant fails to comply with the rules and  
5 regulations following entry of a final decision.

6 § 15-a. Paragraph a of subdivision 5-a of section 401 of the vehicle  
7 and traffic law, as amended by section 9-a of chapter 189 of the laws of  
8 2013, is amended to read as follows:

9 a. If at the time of application for a registration or renewal thereof  
10 there is a certification from a court or administrative tribunal of  
11 appropriate jurisdiction that the registrant or his or her represen-  
12 tative failed to appear on the return date or any subsequent adjourned  
13 date or failed to comply with the rules and regulations of an adminis-  
14 trative tribunal following entry of a final decision in response to a  
15 total of three or more summonses or other process in the aggregate,  
16 issued within an eighteen month period, charging either that: (i) such  
17 motor vehicle was parked, stopped or standing, or that such motor vehi-  
18 cle was operated for hire by the registrant or his or her agent without  
19 being licensed as a motor vehicle for hire by the appropriate local  
20 authority, in violation of any of the provisions of this chapter or of  
21 any law, ordinance, rule or regulation made by a local authority; or  
22 (ii) the registrant was liable in accordance with section eleven hundred  
23 eleven-b of this chapter for a violation of subdivision (d) of section  
24 eleven hundred eleven of this chapter; or (iii) the registrant was  
25 liable in accordance with section eleven hundred eleven-c of this chap-  
26 ter for a violation of a bus lane restriction as defined in such  
27 section; or (iv) the registrant was liable in accordance with section  
28 eleven hundred eighty-b of this chapter for a violation of subdivision

1 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
2 ter; or (v) the registrant was liable in accordance with section two  
3 thousand nine hundred eighty-five of the public authorities law or  
4 sections sixteen-a, sixteen-b or sixteen-c of chapter seven hundred  
5 seventy-four of the laws of nineteen hundred fifty, the commissioner or  
6 his or her agent shall deny the registration or renewal application  
7 until the applicant provides proof from the court or administrative  
8 tribunal wherein the charges are pending that an appearance or answer  
9 has been made or in the case of an administrative tribunal that he or  
10 she has complied with the rules and regulations of said tribunal follow-  
11 ing entry of a final decision. Where an application is denied pursuant  
12 to this section, the commissioner may, in his or her discretion, deny a  
13 registration or renewal application to any other person for the same  
14 vehicle and may deny a registration or renewal application for any other  
15 motor vehicle registered in the name of the applicant where the commis-  
16 sioner has determined that such registrant's intent has been to evade  
17 the purposes of this subdivision and where the commissioner has reason-  
18 able grounds to believe that such registration or renewal will have the  
19 effect of defeating the purposes of this subdivision. Such denial shall  
20 only remain in effect as long as the summonses remain unanswered, or in  
21 the case of an administrative tribunal, the registrant fails to comply  
22 with the rules and regulations following entry of a final decision.

23 § 15-b. Paragraph a of subdivision 5-a of section 401 of the vehicle  
24 and traffic law, as amended by section 9-b of chapter 189 of the laws of  
25 2013, is amended to read as follows:

26 a. If at the time of application for a registration or renewal thereof  
27 there is a certification from a court or administrative tribunal of  
28 appropriate jurisdiction that the registrant or his or her represen-

1 tative failed to appear on the return date or any subsequent adjourned  
2 date or failed to comply with the rules and regulations of an adminis-  
3 trative tribunal following entry of a final decision in response to  
4 three or more summonses or other process, issued within an eighteen  
5 month period, charging that such motor vehicle was parked, stopped or  
6 standing, or that such motor vehicle was operated for hire by the regis-  
7 trant or his or her agent without being licensed as a motor vehicle for  
8 hire by the appropriate local authority, in violation of any of the  
9 provisions of this chapter or of any law, ordinance, rule or regulation  
10 made by a local authority, or the registrant was liable in accordance  
11 with section eleven hundred eleven-c of this chapter for a violation of  
12 a bus lane restriction as defined in such section, or the registrant was  
13 liable in accordance with section eleven hundred eighty-b of this chap-  
14 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section  
15 eleven hundred eighty of this chapter, or the registrant was liable in  
16 accordance with section two thousand nine hundred eighty-five of the  
17 public authorities law or sections sixteen-a, sixteen-b or sixteen-c of  
18 chapter seven hundred seventy-four of the laws of nineteen hundred  
19 fifty, the commissioner or his or her agent shall deny the registration  
20 or renewal application until the applicant provides proof from the court  
21 or administrative tribunal wherein the charges are pending that an  
22 appearance or answer has been made or in the case of an administrative  
23 tribunal that he or she has complied with the rules and regulations of  
24 said tribunal following entry of a final decision. Where an application  
25 is denied pursuant to this section, the commissioner may, in his or her  
26 discretion, deny a registration or renewal application to any other  
27 person for the same vehicle and may deny a registration or renewal  
28 application for any other motor vehicle registered in the name of the

1 applicant where the commissioner has determined that such registrant's  
2 intent has been to evade the purposes of this subdivision and where the  
3 commissioner has reasonable grounds to believe that such registration or  
4 renewal will have the effect of defeating the purposes of this subdivi-  
5 sion. Such denial shall only remain in effect as long as the summonses  
6 remain unanswered, or in the case of an administrative tribunal, the  
7 registrant fails to comply with the rules and regulations following  
8 entry of a final decision.

9 § 15-c. Paragraph a of subdivision 5-a of section 401 of the vehicle  
10 and traffic law, as amended by section 9-c of chapter 189 of the laws of  
11 2013, is amended to read as follows:

12 a. If at the time of application for a registration or renewal thereof  
13 there is a certification from a court or administrative tribunal of  
14 appropriate jurisdiction that the registrant or his representative  
15 failed to appear on the return date or any subsequent adjourned date or  
16 failed to comply with the rules and regulations of an administrative  
17 tribunal following entry of a final decision in response to three or  
18 more summonses or other process, issued within an eighteen month period,  
19 charging that such motor vehicle was parked, stopped or standing, or  
20 that such motor vehicle was operated for hire by the registrant or his  
21 agent without being licensed as a motor vehicle for hire by the appro-  
22 priate local authority, in violation of any of the provisions of this  
23 chapter or of any law, ordinance, rule or regulation made by a local  
24 authority, or the registrant was liable in accordance with section elev-  
25 en hundred eighty-b of this chapter for violations of subdivision (b),  
26 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,  
27 or the registrant was liable in accordance with section two thousand  
28 nine hundred eighty-five of the public authorities law or sections

1 sixteen-a, sixteen-b or sixteen-c of chapter seven hundred seventy-four  
2 of the laws of nineteen hundred fifty, the commissioner or his agent  
3 shall deny the registration or renewal application until the applicant  
4 provides proof from the court or administrative tribunal wherein the  
5 charges are pending that an appearance or answer has been made or in the  
6 case of an administrative tribunal that he has complied with the rules  
7 and regulations of said tribunal following entry of a final decision.  
8 Where an application is denied pursuant to this section, the commission-  
9 er may, in his discretion, deny a registration or renewal application to  
10 any other person for the same vehicle and may deny a registration or  
11 renewal application for any other motor vehicle registered in the name  
12 of the applicant where the commissioner has determined that such regis-  
13 trant's intent has been to evade the purposes of this subdivision and  
14 where the commissioner has reasonable grounds to believe that such  
15 registration or renewal will have the effect of defeating the purposes  
16 of this subdivision. Such denial shall only remain in effect as long as  
17 the summonses remain unanswered, or in the case of an administrative  
18 tribunal, the registrant fails to comply with the rules and regulations  
19 following entry of a final decision.

20 § 15-d. Paragraph a of subdivision 5-a of section 401 of the vehicle  
21 and traffic law, as separately amended by chapters 339 and 592 of the  
22 laws of 1987, is amended to read as follows:

23 a. If at the time of application for a registration or renewal thereof  
24 there is a certification from a court or administrative tribunal of  
25 appropriate jurisdiction that the registrant or his representative  
26 failed to appear on the return date or any subsequent adjourned date or  
27 failed to comply with the rules and regulations of an administrative  
28 tribunal following entry of a final decision in response to three or

1 more summonses or other process, issued within an eighteen month period,  
2 charging that such motor vehicle was parked, stopped or standing, or  
3 that such motor vehicle was operated for hire by the registrant or his  
4 agent without being licensed as a motor vehicle for hire by the appro-  
5 priate local authority, in violation of any of the provisions of this  
6 chapter or of any law, ordinance, rule or regulation made by a local  
7 authority, or the registrant was liable in accordance with section two  
8 thousand nine hundred eighty-five of the public authorities law or  
9 sections sixteen-a, sixteen-b or sixteen-c of chapter seven hundred  
10 seventy-four of the laws of nineteen hundred fifty, the commissioner or  
11 his agent shall deny the registration or renewal application until the  
12 applicant provides proof from the court or administrative tribunal wher-  
13 ein the charges are pending that an appearance or answer has been made  
14 or in the case of an administrative tribunal that he has complied with  
15 the rules and regulations of said tribunal following entry of a final  
16 decision. Where an application is denied pursuant to this section, the  
17 commissioner may, in his discretion, deny a registration or renewal  
18 application to any other person for the same vehicle and may deny a  
19 registration or renewal application for any other motor vehicle regis-  
20 tered in the name of the applicant where the commissioner has determined  
21 that such registrant's intent has been to evade the purposes of this  
22 subdivision and where the commissioner has reasonable grounds to believe  
23 that such registration or renewal will have the effect of defeating the  
24 purposes of this subdivision. Such denial shall only remain in effect as  
25 long as the summonses remain unanswered, or in the case of an adminis-  
26 trative tribunal, the registrant fails to comply with the rules and  
27 regulations following entry of a final decision.

1 § 16. The vehicle and traffic law is amended by adding a new section  
2 518 to read as follows:

3 § 518. Reciprocal agreements concerning suspension or denial of regis-  
4 tration of a motor vehicle for violations of toll collection regu-  
5 lations. 1. The commissioner may execute a reciprocal compact or agree-  
6 ment regarding toll collection violations with the motor vehicle  
7 administrator or other authorized official of another state not incon-  
8 sistent with the provisions of this chapter. Such compact or agreement  
9 shall provide that if a registration of a motor vehicle would be  
10 suspended pursuant to subdivision five-a of section four hundred one of  
11 this chapter, or pursuant to a comparable law or regulation of another  
12 state, or if the registration or renewal of a motor vehicle would be  
13 denied pursuant to subdivision four-d of section 510 of this article, or  
14 pursuant to a comparable law or regulation of another state, because an  
15 owner of a motor vehicle (a) failed to appear, (b) failed to pay any  
16 penalty imposed by a court, or (c) failed to comply with the rules and  
17 regulations of an administrative tribunal following entry of a final  
18 decision in response to three or more notices of liability of other  
19 process issued within an eighteen-month period in accordance with the  
20 provisions of section two thousand nine hundred eighty-five of the  
21 public authorities law or sections one through sixteen and sixteen-a,  
22 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
23 laws of nineteen hundred fifty, or with any comparable law or regulation  
24 of another state, then the state issuing the registration shall likewise  
25 suspend the registration or deny the registration or renewal, until such  
26 registrant or applicant has appeared in response to such notices of  
27 liability, or has paid such penalty, or, in the case of an administra-

1 tive tribunal, the registrant or applicant has complied with the rules  
2 and regulations following the entry of a final decision or decisions.

3 2. Such compact or agreement shall also provide such terms and proce-  
4 dures as are necessary and proper to facilitate its administration. Any  
5 such compact or agreement shall specify the violations subject to the  
6 compact or agreement, and shall include a determination of comparable  
7 violations in each state if any such violations are of a substantially  
8 similar nature but are not denominated or described in precisely the  
9 same words in each party state.

10 3. The word "state" when used in this section shall mean any state,  
11 territory, a possession of the United States, District of Columbia or  
12 any province of Canada.

13 § 17. Paragraph b of subdivision 2 of section 240 of the vehicle and  
14 traffic law, as added by chapter 715 of the laws of 1972, is amended to  
15 read as follows:

16 b. No charge may be established except upon proof by substantial  
17 evidence; except that for an allegation of liability in accordance with  
18 section two thousand nine hundred eighty-five of the public authorities  
19 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
20 hundred seventy-four of the laws of nineteen hundred fifty, no charge  
21 may be established except upon proof by preponderance of evidence as  
22 submitted.

23 § 18. Subdivision 3 of section 165.15 of the penal law is amended to  
24 read as follows:

25 3. With intent to obtain railroad, subway, bus, air, taxi or any other  
26 public transportation service or to use any highway, parkway, road,  
27 bridge or tunnel without payment of the lawful charge or toll therefor,  
28 or to avoid payment of the lawful charge or toll for such transportation



1 service which has been rendered to him or her or for such use of any  
2 highway, parkway, road, bridge or tunnel, he or she obtains or attempts  
3 to obtain such service or use or avoids or attempts to avoid payment  
4 therefor by force, intimidation, stealth, deception or mechanical  
5 tampering, or by unjustifiable failure or refusal to pay; or

6 § 19. Subdivision 10 of section 1209-a of the public authorities law,  
7 as amended by chapter 379 of the laws of 1992, is amended to read as  
8 follows:

9 10. Funds. [All] Except for penalties, evaded tolls and other charges  
10 collected and paid to the triborough bridge and tunnel authority in  
11 accordance with the provisions of section two thousand nine hundred  
12 eighty-five of this chapter, all penalties collected pursuant to the  
13 provisions of this section shall be paid to the authority to the credit  
14 of a transit crime fund which the authority shall establish. Any sums in  
15 this fund shall be used to pay for programs selected by the board of the  
16 authority, in its discretion, to reduce the incidence of crimes and  
17 infractions on transit facilities, or to improve the enforcement of laws  
18 against such crimes and infractions. Such funds shall be in addition to  
19 and not in substitution for any funds provided by the state or the city  
20 of New York for such purposes.

21 § 20. Section 1209-a of the public authorities law is amended by  
22 adding a new subdivision 11 to read as follows:

23 11. Notice. Any notice or communication required to be sent pursuant  
24 to this section by registered mail or certified mail may instead be sent  
25 by first class mail or, with consent, by electronic means of communi-  
26 cation.

27 § 21. Section 2 of chapter 774 of the laws of 1950, relating to agree-  
28 ing with the state of New Jersey with respect to rules and regulations

1 governing traffic on vehicular crossings operated by the port of New  
2 York authority, is amended to read as follows:

3 § 2. No traffic shall be permitted in or upon vehicular crossings  
4 except upon the payment of such tolls and other charges as may from time  
5 to time be prescribed by the port authority. It is hereby declared to be  
6 unlawful for any person to refuse to pay, or to evade or to attempt to  
7 evade the payment of such tolls or other charges. The obligation to pay  
8 such tolls and other charges is incurred at the time of entry into or  
9 use of the particular vehicular crossing.

10 § 22. Section 16-a of chapter 774 of the laws of 1950, relating to  
11 agreeing with the state of New Jersey with respect to rules and regu-  
12 lations governing traffic on vehicular crossings operated by the port of  
13 New York authority, as added by chapter 379 of the laws of 1992, is  
14 amended to read as follows:

15 § 16-a. Owner liability for failure of operator to comply with toll  
16 collection regulations of the port authority. Notwithstanding any other  
17 provision of law and in accordance with the provisions of [section]  
18 sections 16-b and 16-c of this act, an owner of a vehicle may be held  
19 liable for failure of an operator thereof to comply with the toll  
20 collection regulations of the port authority of New York and New Jersey  
21 (hereinafter called port authority). The owner of a vehicle shall be  
22 liable pursuant to this section if such vehicle was used or operated  
23 with the permission of the owner, express or implied, in violation of  
24 the toll collection regulations of the port authority, and such  
25 violation is evidenced by information obtained from a photo-monitoring  
26 system, provided, however, that no owner of a vehicle shall be liable  
27 where the operator of such vehicle has been convicted of a violation of  
28 those toll collection regulations for the same incident.

1 § 23. Section 16-b of chapter 774 of the laws of 1950, relating to  
2 agreeing with the state of New Jersey with respect to rules and regu-  
3 lations governing traffic on vehicular crossings operated by the port of  
4 New York authority, as added by chapter 379 of the laws of 1992, subdi-  
5 vision f as amended by chapter 666 of the laws of 1993, is amended to  
6 read as follows:

7 § 16-b. Imposition of liability for failure of operator to comply with  
8 toll collection regulations of the port authority. The liability set  
9 forth in section 16-a of this act, shall be imposed upon an owner for a  
10 violation by an operator of the toll collection regulations of the port  
11 authority occurring within the territorial limits of the state of New  
12 York in accordance with the following:

13 a. For the purposes of this section and sections 16-a and 16-c of this  
14 act, the term "owner" shall mean any person, corporation, partnership,  
15 firm, agency, association, lessor, or organization who, at the time of  
16 the violation [in any city in which a vehicle is operated] or the obli-  
17 gation for payment of the toll charges is incurred: (i) is the benefi-  
18 cial or equitable owner of such vehicle; or (ii) has title to such vehi-  
19 cle; or (iii) is the registrant or co-registrant of such vehicle which  
20 is registered with the department of motor vehicles of this state or any  
21 other state, territory, district, province, nation or other jurisdic-  
22 tion; or (iv) subject to the limitations set forth in subdivision f of  
23 this section, uses such vehicle in its vehicle renting and/or leasing  
24 business; and includes (v) a person entitled to the use and possession  
25 of a vehicle subject to a security interest in another person. For the  
26 purposes of this section, the term "operator" shall mean any person,  
27 corporation, firm, partnership, agency, association, organization or  
28 lessee that uses or operates a vehicle with or without the permission of

1 the owner, and an owner who operates his or her own vehicle. For  
2 purposes of this section and section 16-a of this act, the term "elec-  
3 tronic toll collection system" shall mean a system for collecting tolls  
4 or other charges using electronic data and images. For purposes of this  
5 section, the term "photo-monitoring system" shall mean a vehicle sensor  
6 installed to work in conjunction with a toll collection facility which  
7 automatically produces one or more photographs, one or more microphoto-  
8 graphs, a videotape, or other recorded images of each vehicle at the  
9 time it is used or operated in [violation of the toll collection regu-  
10 lations of the port authority] or upon vehicular crossings operated by  
11 the port authority. For purposes of this section and sections 16-a and  
12 16-c of this act, the term "toll collection regulations of the port  
13 authority" shall refer to the traffic regulations for interstate vehicu-  
14 lar crossings operated by the port authority as set forth in this chap-  
15 ter and in chapter 192 of the laws of New Jersey of 1950, and specif-  
16 ically that section of the laws which prohibits traffic in or upon  
17 vehicular crossings operated by the port authority except upon the  
18 payment of such tolls and other charges as may from time to time be  
19 prescribed by the port authority and which further makes it unlawful for  
20 any person to refuse to pay, or to evade or to attempt to evade the  
21 payment of such tolls or other charges. For purposes of this section  
22 and section 16-a of this act, the term "vehicle" shall mean every device  
23 in, upon, or by which a person or property is or may be transported or  
24 drawn upon a highway[, except devices used exclusively upon stationary  
25 rails or tracks].

26 b. A certificate, sworn to or affirmed by an agent of the port author-  
27 ity, or a facsimile thereof, based upon inspection of [photographs,  
28 microphotographs, videotape or other recorded images] data or images

1 produced by [a photo-monitoring system] its electronic toll collection  
2 system or other records maintained by or on behalf of the port authority  
3 regarding toll violations shall be prima facie evidence of the facts  
4 contained therein and shall be admissible in any proceeding charging a  
5 violation of toll collection regulations of the port authority, provided  
6 that any [photographs, microphotographs, videotape or other recorded  
7 images] such data, images, or records evidencing such a violation shall  
8 be available for inspection and admission into evidence in any proceed-  
9 ing to adjudicate the liability for such violation.

10 c. An imposition of liability pursuant to this section shall be based  
11 upon a preponderance of evidence as submitted. An imposition of liabil-  
12 ity pursuant to this section shall not be deemed a conviction of an  
13 operator and shall not be made part of the motor vehicle operating  
14 record, furnished pursuant to section 354 of the vehicle and traffic  
15 law, of the person upon whom such liability is imposed nor shall it be  
16 used for insurance purposes in the provision of motor vehicle insurance  
17 coverage.

18 d. (i) A notice of liability shall be sent by first class mail or,  
19 with consent, by electronic means of communication to each person  
20 alleged to be liable [as an owner] for a violation pursuant to this  
21 section of the toll collection regulations of the port authority. Such  
22 notice shall be [mailed] sent no later than [thirty] one hundred twenty  
23 days after the alleged violation. Personal delivery [on the owner] shall  
24 not be required. A manual or automatic record of [mailing] sending the  
25 notice prepared in the ordinary course of business shall be prima facie  
26 evidence of the [mailing] sending of the notice.

27 (ii) A notice of liability shall contain the name and address of the  
28 person alleged to be liable [as an owner] for a violation of the toll

1 collection regulations of the port authority pursuant to this section,  
2 the registration number and state of registration of the vehicle  
3 involved in such violation, the [location where such violation took  
4 place, the date and time] locations, dates and times of each use of the  
5 vehicular crossing that forms the basis of such violation, the amount of  
6 the assessed tolls and other charges, and the identification number of  
7 the [photo-monitoring system] electronic toll collection system which  
8 recorded the [violation] use or other document locator number.

9 (iii) The notice of liability shall contain information advising the  
10 person charged of the manner and the time in which he may contest the  
11 liability alleged in the notice. Such notice of liability shall also  
12 contain a warning to advise the persons charged that failure to contest  
13 in the manner and time provided shall be deemed an admission of liabil-  
14 ity and that a default judgment may be entered thereon.

15 (iv) The notice of liability shall be prepared and [mailed] sent by  
16 the port authority or its duly authorized agent.

17 e. If an owner receives a notice of liability pursuant to this section  
18 for any time period during which the vehicle was reported to the police  
19 department as having been stolen, it shall be a valid defense to an  
20 allegation of liability for a violation of the toll collection regu-  
21 lations of the port authority that the vehicle had been reported to the  
22 police as stolen prior to the time the violation occurred and had not  
23 been recovered by such time. If an owner receives a notice of liability  
24 pursuant to this section for any time period during which the vehicle  
25 was stolen, but not as yet reported to the police as having been stolen,  
26 it shall be a valid defense to an allegation of liability for a  
27 violation of toll collection regulations of the port authority pursuant  
28 to this section that the vehicle was reported as stolen within two hours

1 after discovery of the theft by the owner. For purposes of asserting the  
2 defense provided by this subdivision, it shall be sufficient that a  
3 certified copy of the police report on the stolen vehicle be sent by  
4 first class mail to the court or other entity having jurisdiction.

5 f. An owner, as defined in subdivision a of this section, who is a  
6 lessor of a vehicle to which a notice of liability was issued pursuant  
7 to subdivision d of this section shall not be liable pursuant to this  
8 section for the violation of the toll collection regulations of the port  
9 authority provided that he or she sends to the port authority [serving  
10 the notice of liability and to the court or other entity having juris-  
11 diction] or its duly authorized agent for this purpose a copy of the  
12 rental, lease or other such contract document covering such vehicle on  
13 the date of the [violation] use of the vehicular crossing, with the name  
14 and address of the lessee clearly legible, within thirty days after  
15 receiving from the port authority or its duly authorized agent [the  
16 original] for this purpose notice of [liability] the use of the vehicu-  
17 lar crossing by such vehicle. Failure to send such information within  
18 such thirty day time period shall render the lessor liable for the  
19 penalty prescribed by this section. Where the lessor complies with the  
20 provisions of this subdivision, the lessee of such vehicle on the date  
21 of such [violation] use of the vehicular crossing shall be deemed to be  
22 the owner of such vehicle for purposes of this section and shall be  
23 subject to liability for the violation of toll collection regulations of  
24 the port authority [provided that the port authority or its duly author-  
25 ized agent mails a notice of liability to the lessee within ten days  
26 after the court, or other entity having jurisdiction, deems the lessee  
27 to be the owner]. For purposes of this subdivision the term "lessor"  
28 shall mean any person, corporation, firm, partnership, agency, associ-

1 ation or organization engaged in the business of renting or leasing  
2 vehicles to any lessee under a rental agreement, lease or otherwise  
3 wherein the said lessee has the exclusive use of said vehicle for any  
4 period of time. For the purposes of this subdivision, the term "lessee"  
5 shall mean any person, corporation, firm, partnership, agency, associ-  
6 ation or organization that rents, leases or contracts for the use of one  
7 or more vehicles and has exclusive use thereof for any period of time.

8 g. Except as provided in subdivision f of this section, if a person  
9 receives a notice of liability pursuant to this section it shall be a  
10 valid defense to an allegation of liability for a violation of toll  
11 collection regulations of the port authority that the individual who  
12 received the notice of liability pursuant to this section was not the  
13 owner of the vehicle at the time the [violation] use of the vehicular  
14 crossing occurred. If the owner liable for a violation of the toll  
15 collection regulations of the port authority pursuant to this section  
16 was not the operator of the vehicle at the time of the [violation] use  
17 of the vehicular crossing, the owner may maintain an action for indemni-  
18 fication against the operator. The operator of the vehicle may apply to  
19 the court or other entity having jurisdiction to adjudicate the liabil-  
20 ity imposed under this section to accept responsibility for the  
21 violation and satisfactorily discharge all applicable tolls, charges,  
22 fees, and penalties related to the violation.

23 h. ["Electronic toll collection system" shall mean a system of  
24 collecting tolls or charges which is capable of charging an account  
25 holder the appropriate toll or charge by transmission of information  
26 from an electronic device on a motor vehicle to the toll lane, which  
27 information is used to charge the account the appropriate toll or  
28 charge.] In adopting procedures for the preparation and [mailing] send-



1 ing of a notice of liability, the port authority or its duly authorized  
2 agent shall adopt guidelines [to ensure] for sending by first class mail  
3 or, with consent, by electronic means of communication, adequate and  
4 timely notice to all electronic toll collection system account holders  
5 to inform them when their accounts are delinquent. An owner who is an  
6 account holder under the electronic toll collection system shall not be  
7 found liable for a violation of this section unless such authority has  
8 first sent a notice of delinquency to such account holder and the  
9 account holder was in fact delinquent at the time of the violation.

10 i. Nothing in this section shall be construed to limit the liability  
11 of an operator of or the account holder associated with a vehicle for  
12 any violation of the toll collection regulations of the port authority.  
13 Nothing in this section shall authorize or preclude the port authority  
14 from excluding from any of its facilities, in its sole discretion, any  
15 or all vehicles found liable under this section as well as other vehi-  
16 cles owned or operated by the owner or operator of or account holder  
17 associated with such vehicle.

18 j. Notwithstanding any other provision of law, all photographs, micro-  
19 photographs, videotape or other recorded images prepared pursuant to  
20 this section shall be for the exclusive use of the port authority in the  
21 discharge of its duties under this section and shall not be open to the  
22 public nor be used in any court in any action or proceeding pending  
23 therein unless such action or proceeding relates to the imposition of or  
24 indemnification for liability pursuant to this section. The port author-  
25 ity or its duly authorized agent shall not sell, distribute or make  
26 available in any way, the names and addresses of electronic toll  
27 collection system account holders, or any information compiled from  
28 transactions with such account holders, without such account holders'

1 consent to any entity that will use such information for any commercial  
2 purpose provided that the foregoing restriction shall not be deemed to  
3 preclude the exchange of such information between any entities with  
4 jurisdiction over and or operating a toll highway bridge and/or tunnel  
5 facility.

6 § 24. Section 16-c of chapter 774 of the laws of 1950, relating to  
7 agreeing with the state of New Jersey with respect to rules and regu-  
8 lations governing traffic on vehicular crossings operated by the port of  
9 New York authority, as added by chapter 379 of the laws of 1992, is  
10 amended to read as follows:

11 § 16-c. Adjudication of liability. Adjudication of the liability  
12 imposed upon an owner by section 16-a of this act for a violation of the  
13 toll collection regulations of the port authority occurring within the  
14 territorial limits of the state of New York shall be in accordance with  
15 the vehicle and traffic law of New York as set forth in sections 235,  
16 236, 237, 239, 240, 241, 242, 401, 510 and 1809 of such law, or by such  
17 entity having jurisdiction over violations of the toll collection regu-  
18 lations of the port authority occurring within the territorial limits of  
19 the state of New York, provided that all violations shall be heard and  
20 determined in the county in which [the violation is alleged to have  
21 occurred, or by consent of both parties,] obligation for payment of the  
22 tolls or other charges was incurred, or in any county in the state of  
23 New York in which the port authority operates or maintains a facility.  
24 An owner found liable for a violation of toll collection regulations  
25 pursuant to this section shall for a first violation thereof be liable  
26 for the full amount of the assessed toll and other charges and fees in  
27 addition to a monetary penalty not to exceed [fifty] one hundred dollars  
28 or two times the toll evaded whichever is greater; for a second

1 violation thereof both within eighteen months be liable for the full  
2 amount of the assessed toll and other charges and fees in addition to a  
3 monetary penalty not to exceed [one] two hundred dollars or five times  
4 the toll evaded whichever is greater; for a third or subsequent  
5 violation thereof all within eighteen months be liable for the full  
6 amount of the assessed toll and other charges and fees in addition to a  
7 monetary penalty not to exceed [one] three hundred [fifty] dollars or  
8 ten times the toll evaded whichever is greater. The full amount of the  
9 assessed tolls and other charges and fees and one-half of such monetary  
10 penalties collected shall be paid to the port authority; the remaining  
11 half of such monetary penalties collected shall be retained or distrib-  
12 uted by the tribunal or entity adjudicating the violation in accordance  
13 with existing law.

14 § 25. This act shall take effect on the one hundred twentieth day  
15 after it shall have become a law, provided that:

16 (a) the amendments to subparagraph (i) of paragraph a of subdivision  
17 5-a of section 401 of the vehicle and traffic law made by section  
18 fifteen of this act shall not affect the expiration of such paragraph  
19 and shall be deemed to expire therewith, when upon such date the  
20 provisions of section fifteen-a of this act shall take effect;

21 (b) the amendments to paragraph a of subdivision 5-a of section 401 of  
22 the vehicle and traffic law made by section fifteen-a of this act shall  
23 not affect the expiration of such paragraph and shall be deemed to  
24 expire therewith, when upon such date the provisions of section  
25 fifteen-b of this act shall take effect;

26 (c) the amendments to paragraph a of subdivision 5-a of section 401 of  
27 the vehicle and traffic law made by section fifteen-b of this act shall  
28 not affect the expiration of such paragraph and shall be deemed to

1 expire therewith, when upon such date the provisions of section  
2 fifteen-c of this act shall take effect; and

3 (d) the amendments to paragraph a of subdivision 5-a of section 401 of  
4 the vehicle and traffic law made by section fifteen-c of this act shall  
5 not affect the expiration of such paragraph and shall be deemed to  
6 expire therewith, when upon such date the provisions of section  
7 fifteen-d of this act shall take effect.

8 PART H

9 Section 1. Section 9 of chapter 67 of the laws of 1992, amending the  
10 environmental conservation law relating to pesticide product registra-  
11 tion timetables and fees, as amended by section 1 of part S of chapter  
12 60 of the laws of 2011, is amended to read as follows:

13 § 9. This act shall take effect April 1, 1992 [provided, however, that  
14 section three of this act shall take effect July 1, 1993 and shall  
15 expire and be deemed repealed on July 1, 2014].

16 § 2. Section 33-0705 of the environmental conservation law, as amended  
17 by section 2 of part S of chapter 60 of the laws of 2011, is amended to  
18 read as follows:

19 § 33-0705. Fee for registration.

20 The applicant for registration shall pay a fee as follows:

21 a. [On or before July 1, 2014, six] Six hundred dollars for each  
22 pesticide proposed to be registered, provided that the applicant has  
23 submitted to the department proof in the form of a federal income tax  
24 return for the previous year showing gross annual sales, for federal  
25 income tax purposes, of three million five hundred thousand dollars or  
26 less;

1 b. [On or before July 1, 2014, for] For all others, six hundred twenty  
2 dollars for each pesticide proposed to be registered[;

3 c. After July 1, 2014, fifty dollars for each pesticide proposed to be  
4 registered].

5 § 3. Paragraph a of subdivision 1 and subdivision 2 of section 33-1201  
6 of the environmental conservation law, as added by chapter 279 of the  
7 laws of 1996, are amended to read as follows:

8 a. The department shall [develop] maintain a pesticide sales [and use  
9 computer] data base [in conjunction with Cornell University. The data  
10 base shall be maintained at the department].

11 2. The commissioner shall prepare an annual [report summarizing]  
12 summary of pesticide sales[, quantity of pesticides used, category of  
13 applicator and region of application. The commissioner shall not provide  
14 the name, address, or any other information which would otherwise iden-  
15 tify a commercial or private applicator, or any person who sells or  
16 offers for sale restricted use or general use pesticides to a private  
17 applicator, or any person who received the services of a commercial  
18 applicator. In accordance with article six of the public officers law,  
19 proprietary information contained within such record, including price  
20 charged per product, shall not be disclosed] by county. The [report]  
21 annual summary shall be [submitted to the governor, the temporary presi-  
22 dent of the senate and the speaker of the assembly, and shall be made  
23 available to all interested parties. The first report shall be submitted  
24 on July first, nineteen hundred ninety-eight and] published on the  
25 department's public website on or before July first [annually thereaft-  
26 er].

1 § 4. Subdivision 1 of section 33-1203 of the environmental conserva-  
2 tion law, as added by chapter 279 if the laws of 1996, is amended to  
3 read as follows:

4 1. [a.] The commissioner shall, upon written request of an interested  
5 party, in printed or electronic form [or on a diskette in computerized  
6 data base format], provide the information on pesticides submitted to  
7 the department pursuant to sections 33-1205 and 33-1207 of this title.  
8 Such information shall be provided by county or counties[, or five-digit  
9 zip code or codes as selected by the interested party making the written  
10 request. The commissioner shall not provide the name, address, or any  
11 other information which would otherwise identify a commercial or private  
12 applicator, or any person who sells or offers for sale restricted use or  
13 general use pesticides to a private applicator, or any person who  
14 received the services of a commercial applicator. In accordance with  
15 article six of the public officers law, proprietary information  
16 contained within such record, including price charged per product, shall  
17 not be disclosed. The provisions of this paragraph shall not apply to  
18 the provision of pesticide data to the commissioner of health, the  
19 health research science board and researchers pursuant to title one-B of  
20 article twenty-four of the public health law.

21 b. The department shall, upon request from the department of health,  
22 compile pesticide application information by nine-digit zip code and  
23 provide the information to the commissioner of health for researchers  
24 entitled to receive information pursuant to paragraph (d) of subdivision  
25 one of section twenty-four hundred eleven of the public health law  
26 provided, however, if the nine-digit zip code cannot be determined, the  
27 information shall be compiled by town or city].

1 § 5. Section 33-1205 of the environmental conservation law, as added  
2 by chapter 279 of the laws of 1996 and the closing paragraph of para-  
3 graph a of subdivision 2 as amended by chapter 260 of the laws of 1997,  
4 is amended to read as follows:

5 § 33-1205. Recordkeeping and reporting.

6 1. All commercial applicators shall maintain pesticide use records for  
7 each pesticide application containing the following:

8 a. EPA registration number;

9 b. product name;

10 c. quantity of each pesticide used;

11 d. date applied;

12 e. location of application by address (including five-digit zip code).

13 Such records shall be maintained for a period of not less than three  
14 years. [All commercial applicators shall file, at least annually, a  
15 report or reports containing such information with the department on  
16 computer diskette or in printed form on or before February first for the  
17 prior calendar year.] All commercial applicators shall also maintain  
18 corresponding records of the dosage rates, methods and place of applica-  
19 tion and target organisms for each pesticide application. These records  
20 shall be created immediately after application, maintained on an annual  
21 basis and retained for a period of not less than [three] five years and  
22 shall be available for inspection upon request by the department.

23 2. a. Every person who sells or offers for sale restricted use pesti-  
24 cides to private applicators shall issue a record to the private appli-  
25 cator of each sale of a restricted use pesticide or a general use pesti-  
26 cide used in agricultural crop production to such applicator. Such  
27 record of each sale shall include the following:

28 1. EPA registration number;

- 1 2. product name of the pesticide purchased;
- 2 3. quantity of the pesticide purchased;
- 3 4. date purchased;
- 4 5. location of intended application by address (including five-digit
- 5 zip code) or if address is unavailable by town or city (including five-
- 6 digit zip code) if the location of intended application differs from the
- 7 billing address that appears on the record.

8 [Every person who sells or offers for sale restricted use pesticides  
9 to private applicators shall file, at least annually, a report or  
10 reports containing such information with the department on computer  
11 diskette or in printed form on or before February first for the prior  
12 calendar year. The department shall not use the reports filed pursuant  
13 to this paragraph for enforcement purposes.]

14 b. All private applicators shall maintain, at a minimum, records of  
15 the restricted pesticides purchased, crop treated by such, method of  
16 application, and date of application or applications. This information  
17 shall be recorded immediately after application, maintained on an annual  
18 basis and retained for a minimum of three years, and shall be available  
19 for inspection upon request by the department.

20 [c. A private applicator shall, upon request, within six months,  
21 provide site-specific information relating to pesticide applications to  
22 any researcher entitled to receive information pursuant to paragraph (d)  
23 of subdivision one of section twenty-four hundred eleven of the public  
24 health law, provided, however, such request shall not be granted during  
25 planting and harvesting unless at a time and in a manner that is mutual-  
26 ly convenient.]



1 3. a. Every person who sells or offers for sale pesticides shall main-  
2 tain records of all retail sales of such pesticides by county. Such  
3 records shall include the following:

4 1. EPA registration number;

5 2. product name of the pesticide sold;

6 3. total quantity of the pesticide sold during the calendar year in  
7 each county in the state.

8 Every person who sells or offers for sale pesticides shall file, at  
9 least annually, a report or reports containing such information with the  
10 department in electronic or printed form on or before February first for  
11 the prior calendar year.

12 b. The requirements of this subdivision are not applicable to: minimum  
13 risk pesticides; general use antimicrobial pesticides, except those that  
14 are subject to the pesticide applicator certification requirements in  
15 regulations promulgated by the department; general use pesticide  
16 products applied to the clothing or skin; or general use aerosol  
17 products with a directed spray in containers of eighteen fluid ounces or  
18 less, but not including any fogger product or aerosol product that  
19 discharges to a wide area.

20 § 6. Section 33-1207 of the environmental conservation law, as added  
21 by chapter 279 of the laws of 1996, is amended to read as follows:

22 § 33-1207. Recordkeeping and reporting by importers and manufacturers.

23 1. Each person manufacturing or compounding a registered [restricted  
24 use] pesticide in this state, or importing or causing a registered  
25 [restricted use] pesticide to be imported into this state for use,  
26 distribution, or storage, shall maintain records of all sales within the  
27 state during the preceding year of each [restricted use] pesticide prod-

1 uct which he or she has imported, manufactured or compounded. The record  
2 of each [restricted use] pesticide product shall include:

- 3 a. EPA registration number;
- 4 b. container size; and
- 5 c. number of containers sold to New York purchasers.

6 2. Such records shall be maintained for a period of not less than  
7 three years. All manufacturers and importers shall file an annual  
8 report containing such information with the department [on computer  
9 diskette] in electronic or [in] printed form on or before February first  
10 for the prior calendar year.

11 3. The requirements of this section are not applicable to: minimum  
12 risk pesticides; general use antimicrobial pesticides, except those that  
13 are subject to the pesticide applicator certification requirements in  
14 regulations promulgated by the department; general use pesticide  
15 products applied to the clothing or skin; or general use aerosol  
16 products with a directed spray in containers of eighteen fluid ounces or  
17 less, but not including any fogger product or aerosol product that  
18 discharges to a wide area.

19 § 7. This act shall take effect immediately and shall be deemed to  
20 have been in full force and effect on and after April 1, 2014.

21 PART I

22 Section 1. Subdivision 25 of section 11-0103 of the environmental  
23 conservation law, as amended by chapter 595 of the laws of 1984, is  
24 amended to read as follows:

25 25. "Hunting [accident] related incident" means the injury to or  
26 death of a person caused by the discharge of a firearm, crossbow or

1 longbow while the person causing such injury or death, or the person  
2 injured or killed, is taking or attempting to take game, wildlife or  
3 fish.

4 § 2. Paragraphs 1 and 2 of subdivision 3 and subdivision 5 of section  
5 11-0701 of the environmental conservation law, as amended by section 1-a  
6 of part R of chapter 58 of the laws of 2013, are amended to read as  
7 follows:

8 (1) who is between the ages of twelve and sixteen years to hunt wild  
9 deer and bear with a longbow or crossbow during the special archery  
10 season and during the regular season, as provided in title 9 of this  
11 article, subject to the provisions of section 11-0929 and subdivision 3  
12 of section 11-0713 of this article;

13 (2) who is eighteen years of age or older to hunt wild deer and bear  
14 with a longbow or crossbow, as provided in title 9 of this article, in a  
15 special [longbow] archery season; and

16 5. A non-resident bear tag entitles a person who has not been a resi-  
17 dent of the state for more than thirty days who also possesses a hunting  
18 license to hunt bear during the regular open season therefor or in an  
19 open season fixed by regulation pursuant to subdivision eight of section  
20 11-0903 of this article. It entitles a non-resident holder who also  
21 possesses a hunting license with bowhunting privilege to hunt bear with  
22 a longbow or crossbow during the open bear season. It entitles a non-re-  
23 sident holder who also possesses a hunting license with muzzle-loading  
24 privilege to hunt bear with a muzzleloader during the open bear season.

25 § 3. Paragraph b of subdivision 6 of section 11-0703 of the environ-  
26 mental conservation law, as amended by section 2 of part R of chapter 58  
27 of the laws of 2013, is amended to read as follows:

1 b. Except as provided in section 11-0707 and section 11-0709 of this  
2 title, no person shall (1) hunt wild deer or bear unless such person  
3 holds and is entitled to exercise the privileges of a hunting license,  
4 and meets the requirements of this article; (2) hunt wild deer or bear  
5 with a longbow or crossbow in a special [longbow] archery season unless  
6 such person holds and is entitled to exercise the privileges of a hunt-  
7 ing license with a bowhunting privilege and meets the requirements of  
8 this article; or (3) hunt wild deer or bear with a muzzle-loading  
9 firearm in a special muzzle-loading firearm season unless such person is  
10 at least fourteen years old and holds a hunting license with a muzzle-  
11 loading privilege and meets the requirements of this article.

12 § 4. Subparagraph 4 of paragraph b of subdivision 1 of section 11-0719  
13 of the environmental conservation law, as amended by chapter 436 of the  
14 laws of 2000, is amended to read as follows:

15 (4) is convicted of an offense involving a violation of subdivisions  
16 one and two of section 11-0901 of this article relating to taking of  
17 wildlife when the person taking is in or on a motor vehicle while such  
18 motor vehicle is on a public highway or an offense involving a violation  
19 of subdivision one of section 11-0901 of this article and subparagraph  
20 one of paragraph a of subdivision four of section 11-0931 of this arti-  
21 cle relating to taking wildlife when the person taking is in or on a  
22 motor vehicle and discharging a firearm, crossbow or longbow in such a  
23 way that the load, bolt or arrow passes over a public highway or a part  
24 thereof or signs an acknowledgment of any such violation for the purpose  
25 of affecting a settlement by civil compromise or by stipulation.

26 § 5. Subdivisions 2 and 3 of section 11-0719 of the environmental  
27 conservation law, subdivision 2 as amended by section 27 and subdivision

1 3 as amended by section 28 of part R of chapter 58 of the laws of 2013,  
2 are amended to read as follows:

3 2. a. The department may revoke the licenses, tags, bowhunting privi-  
4 leges, or muzzle-loading privileges, which authorize the holder to hunt  
5 and/or trap wildlife, and may deny the privilege of obtaining such  
6 licenses, tags, bowhunting privileges, or muzzle-loading privileges, and  
7 may deny the privileges of hunting and/or trapping with or without a  
8 license.

9 (1) of any person who, while engaged in hunting, fishing or trapping,

10 (i) causes death or injury to [another] any person by discharging a  
11 firearm, crossbow or longbow, or

12 (ii) so negligently discharges a firearm, crossbow or longbow as to  
13 endanger the life or safety of another, or

14 (iii) so negligently and wantonly discharges a firearm, crossbow or  
15 longbow as to destroy or damage public or private property; or

16 (2) of any agent of the department authorized to issue certificates of  
17 qualification in responsible hunting, bowhunting, or trapping practices  
18 who improperly issues any such certification to a person whom he or she  
19 has not trained, or whom he or she knows has not satisfactorily  
20 completed all of the requirements necessary for such certification.

21 b. Action by the department resulting in the revocation of such  
22 license or denial of the privilege to hunt and trap as provided in this  
23 subdivision shall be only after a hearing held by the department upon  
24 notice to the offender, at which proof of facts indicating the violation  
25 is established to the satisfaction of the commissioner or of the hearing  
26 officer designated by him or her and concurred in by the commissioner.  
27 Provided that where a person, while hunting, causes death or injury to  
28 any person by discharge of a firearm, crossbow or longbow, the commis-

1 sioner may, in his or her discretion, suspend such person's license or  
2 licenses to hunt and suspend such person's right to hunt without a  
3 license for a period of up to sixty days pending a hearing as provided  
4 for in this subdivision.

5 c. In case such discharge of a firearm, crossbow or longbow causes  
6 death or injury to [another] any person, the license or licenses,  
7 bowhunting privilege, and muzzle-loading privilege shall be revoked and  
8 the ability to obtain any such license and of hunting or of trapping  
9 anywhere in the state with or without a license denied, for a period not  
10 exceeding ten years, except that no revocation shall be made in cases in  
11 which facts established at the hearing indicate to the satisfaction of  
12 the commissioner that there was no negligence on the part of the shooter  
13 or [bowman] bowhunter. In all other cases the license or licenses,  
14 bowhunting privilege, or muzzle-loading privilege, shall be revoked and  
15 the privilege of obtaining such license, bowhunting privilege, or  
16 muzzle-loading privilege, and of hunting or of trapping anywhere in the  
17 state with or without a license denied for a period not exceeding five  
18 years. The department may also require that the person causing such  
19 death [or], injury, endangerment or property damage successfully  
20 complete a department-sponsored course and obtain a certificate of qual-  
21 ification in responsible hunting or bowhunting practices before being  
22 issued another hunting license.

23 d. Every person injuring himself, herself or another person in a hunt-  
24 ing [accident, as such term is defined in subdivision 25 of section  
25 11-0103 of this article] related incident, and the investigating law  
26 enforcement officer summoned to or arriving at the scene of such [acci-  
27 dent] incident shall within ten days from the occurrence of such [acci-  
28 dent] incident file a report of the [accident] incident in writing with

1 the department. Every such person or law enforcement officer shall make  
2 such other and additional reports as the department shall require.  
3 Failure to report such [accident] incident as herein provided by the  
4 person causing injury or to furnish relevant information required by the  
5 department shall be a violation and shall constitute grounds for suspen-  
6 sion or revocation of such person's hunting licenses and bowhunting and  
7 muzzle-loading privileges and denial of the ability to obtain any such  
8 license and of hunting with or without a license following a hearing or  
9 opportunity to be heard. In addition, the department may temporarily  
10 suspend the license of the person failing to report a hunting [accident]  
11 related incident within the period prescribed herein until such report  
12 has been filed. In the case of a non-resident, the failure to report an  
13 [accident] incident as herein provided shall constitute grounds for  
14 suspension or revocation of his or her privileges of hunting within this  
15 state. The report required by this section shall be made in such form  
16 and number as the department may prescribe.

17 3. A hunting license issued to a person who is at least twelve and  
18 less than sixteen years of age or a hunting license with bowhunting  
19 privilege issued to a person who is between the ages of twelve and  
20 sixteen years may be revoked by the department upon proof satisfactory  
21 to the department that such person, while under the age of sixteen, has  
22 engaged in hunting wildlife with a gun, crossbow or longbow, in circum-  
23 stances in which a license and/or bowhunting or muzzle-loading privilege  
24 is required, while not accompanied by his or her parent, guardian or  
25 other adult as provided in section 11-0929 of this article. Addi-  
26 tionally, the department may revoke the hunting and/or bowhunting or  
27 muzzle-loading privilege of any parent, guardian, youth mentor or other  
28 adult upon proof satisfactory to the department that such person allowed

1 the holder of a hunting license, bowhunting privilege or muzzle-loading  
2 privilege to hunt wildlife with a gun, crossbow or longbow in violation  
3 of section 11-0929 of this article. If such license or privilege is  
4 revoked the department shall fix the period of such revocation, which is  
5 not to exceed six years. The department may require that such person  
6 successfully complete a department sponsored course and obtain a certif-  
7 icate of qualification in responsible hunting or responsible bowhunting  
8 practices before being issued another hunting or bowhunting license.

9 § 6. Paragraphs b and g of subdivision 3, subparagraphs 5, 6 and 8 of  
10 paragraph b, subparagraphs 5, 6 and 8 of paragraph c, and subparagraph 1  
11 of paragraph d of subdivision 4 of section 11-0901 of the environmental  
12 conservation law, paragraph b of subdivision 3 as amended by chapter 911  
13 of the laws of 1990, paragraph g of subdivision 3 as amended by chapter  
14 34 of the laws of 1979, subparagraph 5 of paragraph b and subparagraph 5  
15 of paragraph c of subdivision 4 as amended by chapter 430 of the laws of  
16 2000 and subparagraphs 6 and 8 of paragraph b, subparagraphs 6 and 8 of  
17 paragraph c and subparagraph 1 of paragraph d of subdivision 4 as  
18 amended by chapter 600 of the laws of 1993, are amended to read as  
19 follows:

20 b. Wild deer and bear shall not be taken except by gun, crossbow or by  
21 long bow. Where an open season, set forth in the table of open seasons  
22 in section 11-0907 of this title or otherwise established by law or  
23 fixed by regulation, is specified as an open season for taking such game  
24 by shotgun or long bow only, or is specified as an open season for  
25 taking such game by long bow only, they shall not be taken except as so  
26 specified.

27 g. Wildlife shall not be taken [by the use of a cross-bow, by a long  
28 bow drawn, pulled, released, or held in a drawn position by any mechan-



1 ical device attached to a portion of the bow other than the bowstring,  
2 or] by the use of a device commonly called a spear gun.

3 (5) with a [bow other than a] long bow with a draw weight [in excess]  
4 of less than thirty-five pounds; or

5 (6) with an arrow or bolt with an arrowhead that measures less than  
6 seven-eighths of an inch at its widest point or that has fewer than two  
7 sharp cutting edges; or

8 (8) with an arrow or bolt with a barbed broadhead arrowhead.

9 (5) with a [bow other than a] long bow with a draw weight [in excess]  
10 of less than thirty-five pounds; or

11 (6) with an arrow or bolt with an arrowhead that measures less than  
12 seven-eighths of an inch at its widest point or that has fewer than two  
13 sharp cutting edges; or

14 (8) with an arrow or bolt with a barbed broadhead arrowhead.

15 (1) such long bow or crossbow is unstrung, or such a firearm is taken  
16 down, or securely fastened in a case, or locked in the trunk of a vehi-  
17 cle, or

18 § 7. Subdivisions 11 and 16 of section 11-0901 of the environmental  
19 conservation law are REPEALED.

20 § 8. Section 11-0903 of the environmental conservation law is amended  
21 by adding a new subdivision 12 to read as follows:

22 12. Notwithstanding any inconsistent provision of this article, the  
23 department is authorized to adopt regulations which authorize the taking  
24 of wildlife by the use of a crossbow. A summary of regulations adopted  
25 pursuant to this subdivision shall be published each year in the hunting  
26 syllabus issued pursuant to section 11-0323 of this article.

27 § 9. Subdivisions 2 and 4 of section 11-0931 of the environmental  
28 conservation law, subdivision 2 as amended by section 7 of part H of

1 chapter 58 of the laws of 2012, subparagraph 3 of paragraph a of subdivi-  
2 vision 4 as added by chapter 400 of the laws of 1973 and subparagraph 4  
3 of paragraph a of subdivision 4 as added by chapter 67 of the laws of  
4 1976, are amended to read as follows:

5 2. No crossbow or firearm except a pistol or revolver shall be carried  
6 or possessed in or on a motor vehicle unless it is uncocked, for a  
7 crossbow or unloaded, for a firearm in both the chamber and the maga-  
8 zine, except that a loaded firearm which may be legally used for taking  
9 migratory game birds may be carried or possessed in a motorboat while  
10 being legally used in hunting migratory game birds, and no person except  
11 a law enforcement officer in the performance of his official duties  
12 shall, while in or on a motor vehicle, use a jacklight, spotlight or  
13 other artificial light upon lands inhabited by deer if he is in  
14 possession or is accompanied by a person who is in possession, at the  
15 time of such use, of a longbow, crossbow or a firearm of any kind except  
16 a pistol or revolver, unless such longbow or crossbow is unstrung or  
17 such firearm or crossbow is taken down or securely fastened in a case or  
18 locked in the trunk of the vehicle. For purposes of this subdivision,  
19 motor vehicle shall mean every vehicle or other device operated by any  
20 power other than muscle power, and which shall include but not be limit-  
21 ed to automobiles, trucks, motorcycles, tractors, trailers and motor-  
22 boats, snowmobiles and snowtravelers, whether operated on or off public  
23 highways. Notwithstanding the provisions of this subdivision, the  
24 department may issue a permit to any person who is non-ambulatory,  
25 except with the use of a mechanized aid, to possess a loaded firearm in  
26 or on a motor vehicle as defined in this section, subject to such  
27 restrictions as the department may deem necessary in the interest of

1 public safety. Nothing in this section permits the possession of a  
2 pistol or a revolver contrary to the penal law.

3 4. a. No person shall:

4 (1) discharge a firearm, crossbow or long bow in such a way as will  
5 result in the load, bolt or arrow thereof passing over a public highway  
6 or any part thereof;

7 (2) discharge a firearm [or long bow] within five hundred feet or a  
8 crossbow or long bow within one hundred fifty feet from a dwelling  
9 house, farm building or farm structure actually occupied or used, school  
10 building, school playground, or occupied public structure, factory or  
11 church;

12 (3) use a firearm, crossbow or a long bow for the hunting of migratory  
13 game birds in Larchmont Harbor, specifically those portions bounded by  
14 the following points of land:

15 BEGINNING AT A POINT KNOWN AS UMBRELLA POINT ON THE EAST SHORE OF  
16 LARCHMONT HARBOR THEN PROCEEDING IN A NORTHERLY DIRECTION TO CEDAR  
17 ISLAND; THENCE NORTHWESTERLY TO MONROE INLET; THENCE NORTHEASTERLY TO  
18 DELANCY COVE BEING IN THE TOWN OF MAMARONECK; THENCE IN A SOUTHWESTERLY  
19 DIRECTION FROM DELANCY COVE TO GREACEN POINT; THENCE RUNNING THE AREA  
20 BETWEEN DELANCY COVE AND THE WEST SHORE OF SATANS TOE NORTHEAST; THENCE  
21 SOUTHEAST THEN ALONG THE WEST SHORE OF SATANS TOE SOUTHWEST AND THEN  
22 SOUTH TO THE SOUTHERLY POINT OF SATANS TOE TO EDGEWATER POINT.

23 (4) Use of a firearm, crossbow or a long bow for the hunting of migra-  
24 tory game birds in Udall's Cove, specifically those portions of Little  
25 Neck Bay within Nassau and Queens counties lying east of a line running  
26 north from the foot of Douglaston Parkway to the shore opposite.

27 b. The prohibitions contained in subparagraph 2 of paragraph a above  
28 shall not apply to:

1 (1) The owner or lessee of the dwelling house, or members of his imme-  
2 diate family actually residing therein, or a person in his employ, or  
3 the guest of the owner or lessee of the dwelling house acting with the  
4 consent of said owner or lessee, provided however, that nothing herein  
5 shall be deemed to authorize such persons to discharge a firearm [or  
6 longbow] within five hundred feet or a crossbow or long bow within one  
7 hundred fifty feet of any other dwelling house, or a farm building or  
8 farm structure actually occupied or used, or a school building or play-  
9 ground or occupied public structure, factory or church;

10 (2) Programs conducted by the department, public or private elementary  
11 or secondary schools offering instruction and training in the use of  
12 firearms, crossbow or long bow;

13 (3) The authorized use of a pistol, rifle or target range regularly  
14 operated and maintained by a police department or other law enforcement  
15 agency or by any duly organized membership corporation;

16 (4) The discharge of a shotgun over water by a person hunting migrato-  
17 ry game birds if no dwelling house, farm building or farm structure  
18 actually occupied or used, school building, school playground, or occu-  
19 piated public structure, factory or church, livestock or person is situ-  
20 ated in the line of discharge less than five hundred feet from the point  
21 of discharge.

22 § 10. Paragraph c of subdivision 5 of section 11-0931 of the environ-  
23 mental conservation law, as amended by chapter 309 of the laws of 2006,  
24 is amended to read as follows:

25 c. In the Northern Zone no person, while engaged in hunting with the  
26 aid of a dog or while afield accompanied by a dog, shall possess a rifle  
27 larger than .22 caliber using rim-fire ammunition or possess a shotgun  
28 loaded with a slug, ball or buckshot, or possess a crossbow; but this

1 paragraph does not apply to persons, engaged in coyote hunts with dogs  
2 during any open season on coyotes established pursuant to the provisions  
3 of section 11-0903 of this title.

4 § 11. Paragraph 4 of subdivision a of section 265.20 of the penal law,  
5 as amended by chapter 1041 of the laws of 1974, is amended to read as  
6 follows:

7 4. Possession of a rifle, shotgun, crossbow or longbow for use while  
8 hunting, trapping or fishing, by a person, not a citizen of the United  
9 States, carrying a valid license issued pursuant to section 11-0713 of  
10 the environmental conservation law.

11 § 12. Paragraph a of subdivision 1 of section 9-103 of the general  
12 obligations law, as separately amended by chapters 141 and 286 of the  
13 laws of 1984, is amended to read as follows:

14 a. an owner, lessee or occupant of premises, whether or not posted as  
15 provided in section 11-2111 of the environmental conservation law, owes  
16 no duty: (1) to keep the premises safe for entry, passage over premises  
17 or use by others for hunting, fishing, organized gleaning as defined in  
18 section seventy-one-y of the agriculture and markets law, canoeing,  
19 boating, swimming, trapping, hiking, cross-country skiing, tobogganing,  
20 sledding, speleological activities, horseback riding, bicycle riding,  
21 hang gliding, motorized vehicle operation for recreational purposes,  
22 snowmobile operation, cutting or gathering of wood for non-commercial  
23 purposes [or], training of dogs, and any other recreational use; or (2)  
24 to give warning of any hazardous condition or use of or structure or  
25 activity on such premises to persons entering for such purposes;

26 § 13. Subdivision 3 of section 9-103 of the general obligations law is  
27 renumbered subdivision 4 and a new subdivision 3 is added to read as  
28 follows:

1 3. For the purposes of this section the term "occupant" shall include,  
2 but not be limited to, those organizations, entities, or persons who  
3 individually or collectively develop and/or maintain trails and other  
4 recreational facilities for non-commercial use by the public.

5 § 14. Section 11-0323 of the environmental conservation law is amended  
6 by adding a new subdivision 3 to read as follows:

7 3. Notwithstanding subdivision two of section three of the New York  
8 state printing and public documents law, the department may enter into  
9 contracts with any responsive and responsible bidder to provide the  
10 printing services required with or without the use of a subcontractor  
11 for the production of the hunting and fishing pamphlets and syllabus set  
12 forth in subdivisions one and two of this section or any other publica-  
13 tions that may be issued in support of the fish and wildlife law.

14 § 15. Section 404-s of the vehicle and traffic law, as added by chap-  
15 ter 304 of the laws of 2001, is amended by adding three new subdivisions  
16 3, 4 and 5 to read as follows:

17 3. A distinctive plate issued pursuant to this section to a person who  
18 purchases a lifetime license pursuant to section 11-0702 of the environ-  
19 mental conservation law or a lifetime vehicle access pass, also known as  
20 a lifetime empire passport, pursuant to article thirteen of the parks,  
21 recreation and historic preservation law between January first, two  
22 thousand fourteen and December thirty-first, two thousand fourteen shall  
23 be issued in the same manner as other number plates, however, such life-  
24 time license holder shall be exempt from the payment of fees otherwise  
25 required to be paid pursuant to paragraphs a and b of subdivision three  
26 of section four hundred one of this article and the annual service  
27 charge required by subdivision two of this section for the initial issu-

1 ance of such license plate and for the next ensuing registration  
2 renewal.

3 4. A person who possesses a lifetime license pursuant to section  
4 11-0702 of the environmental conservation law or a lifetime vehicle  
5 access pass, also known as a lifetime empire passport, or a three or  
6 five year vehicle access pass pursuant to article thirteen of the parks,  
7 recreation and historic preservation law shall, on request between April  
8 first, two thousand fourteen and March thirty-first, two thousand  
9 fifteen, be issued a distinctive plate pursuant to this section in the  
10 same manner as other number plates upon payment of a twenty-five dollar  
11 registration fee prescribed by section four hundred one of this chapter  
12 for the initial license plate and shall be exempt from the payment of  
13 fees otherwise required to be paid pursuant to paragraph b of subdivi-  
14 sion three of section four hundred one of this article and the annual  
15 service charge required by subdivision two of this section for the  
16 initial issuance of such license plate and for the next ensuing regis-  
17 tration renewal.

18 5. Any New York resident who possesses a hunting, fishing or trapping  
19 license issued pursuant to title seven of article eleven of the environ-  
20 mental conservation law or an annual vehicle access pass, also known as  
21 an empire passport, pursuant to article thirteen of the parks, recre-  
22 ation and historic preservation law may purchase the license plate  
23 available to a person who purchases a lifetime license or passport upon  
24 payment of the regular registration fee prescribed by section four  
25 hundred one of this chapter.

26 § 16. Section 11-0715 of the environmental conservation law is amended  
27 by adding a new subdivision 7 to read as follows:

1 7. Notwithstanding the provisions of subdivision three of this  
2 section, the commissioner may offer for sale licenses, privileges and  
3 permits listed in this section at a reduced price up to ten days per  
4 year to encourage resident and out-of-state hunters, trappers and  
5 anglers to utilize New York's hunting, trapping and fishing opportu-  
6 nities. These days shall be designated in a manner determined by the  
7 department to best provide public notice thereof and to maximize public  
8 participation therein.

9 § 17. Subdivision 14 of section 11-0305 of the environmental conserva-  
10 tion law, as amended by chapter 292 of the laws of 1996 and as renum-  
11 bered by section 2 of part F of chapter 82 of the laws of 2002, is  
12 amended to read as follows:

13 14. Notwithstanding any inconsistent provision of law, the commission-  
14 er may designate no more than [two] eight days in each year that shall  
15 be effective in every administrative region of the department, as free  
16 sport fishing days during which any person may, without having a sport  
17 fishing license and without the payment of any fee, exercise the privi-  
18 leges of a holder of a sport fishing license, subject to all of the  
19 limitations, restrictions, conditions, laws, rules and regulations  
20 applicable to the holder of a sport fishing license. Free sport fishing  
21 days shall be designated in a manner determined by the department to  
22 best provide public notice thereof and to maximize public participation  
23 therein, so as to promote the recreational opportunities afforded by  
24 sport fishing.

25 § 18. Subdivision 5 of section 11-0703 of the environmental conserva-  
26 tion law is amended by adding a new paragraph e to read as follows:

27 e. Any three or five-year license issued pursuant to paragraph a or b  
28 of subdivision three of section 11-0715 shall be effective for the



1 number of license years indicated thereon beginning on September first  
 2 and ending August thirty-first; provided, however, that a fishing  
 3 license shall remain effective for either three or five years from the  
 4 date on which it was issued.

5 § 19. Paragraphs a and b of subdivision 3 of section 11-0715 of the  
 6 environmental conservation law, as amended by chapter 276 of the laws of  
 7 2013, are amended to read as follows:

8 a. In the case of persons who meet the criteria set forth in paragraph  
 9 c of subdivision four of section 11-0703 of this title:

10	License	Fee
11	(1) (a) Hunting	\$22.00
12	<u>(a-1) Three-year hunting</u>	<u>\$60.00</u>
13	<u>(a-2) Five-year hunting</u>	<u>\$100.00</u>
14	(b) Hunting ages fifteen	
15	and under	\$5.00
16	(2) (a) Fishing	\$25.00
17	<u>(b) Three-year fishing</u>	<u>\$70.00</u>
18	<u>(c) Five-year fishing</u>	<u>\$115.00</u>
19	(3) (a) Trapping	\$20.00
20	<u>(a-1) Three-year trapping</u>	<u>\$55.00</u>
21	<u>(a-2) Five-year trapping</u>	<u>\$95.00</u>
22	(b) Trapping ages fifteen and under	\$5.00
23	(4) (a) Muzzle-loading privilege	\$15.00
24	<u>(b) Three-year muzzle-loading</u>	<u>\$40.00</u>
25	<u>(c) Five-year muzzle-loading</u>	<u>\$65.00</u>
26	(5) (a) Bowhunting privilege	\$15.00
27	<u>(a-1) Three-year bowhunting privilege</u>	<u>\$40.00</u>
28	<u>(a-2) Five-year bowhunting privilege</u>	<u>\$65.00</u>

1	(b) Bowhunting privilege	
2	ages fifteen and under	\$4.00
3	(6) <u>(a) Turkey permit</u>	\$10.00
4	<u>(b) Three-year turkey permit</u>	\$25.00
5	<u>(c) Five-year turkey permit</u>	\$40.00
6	(7) Seven-day fishing	[\$13.00] <u>\$12.00</u>
7	(8) One-day fishing	\$ 5.00

8 A three or five-year bowhunting or muzzle-loading privilege or turkey  
9 permit may only be sold to a person who either has purchased a hunting  
10 license for the same term or possesses a lifetime hunting license.

11 b. In the case of a non-resident and persons resident in the state for  
12 less than thirty days:

13	License	Fee
14	(1) (a) Hunting	\$100.00
15	<u>(a-1) Three-year hunting</u>	<u>\$290.00</u>
16	<u>(a-2) Five-year hunting</u>	<u>\$480.00</u>
17	(b) Hunting ages fifteen and under	\$5.00
18	(2) <u>(a) Fishing</u>	\$50.00
19	<u>(b) Three-year fishing</u>	<u>\$140.00</u>
20	<u>(c) Five-year fishing</u>	<u>\$230.00</u>
21	(3) Seven-day fishing	[\$31.00] <u>\$28.00</u>
22	(4) (a) Trapping	\$275.00
23	<u>(a-1) Three-year trapping</u>	<u>\$825.00</u>
24	<u>(a-2) Five-year trapping</u>	<u>\$1,375.00</u>
25	(b) Trapping ages fifteen and under	\$5.00
26	(5) (a) Bowhunting privilege	\$30.00
27	<u>(a-1) Three-year bowhunting privilege</u>	<u>\$80.00</u>
28	<u>(a-2) Five-year bowhunting privilege</u>	<u>\$130.00</u>

1	(b) Bowhunting privilege ages	
2	fifteen and under	\$4.00
3	(6) <u>(a) Muzzle-loading</u>	\$30.00
4	<u>(b) Three-year muzzle-loading</u>	\$80.00
5	<u>(c) Five-year muzzle-loading</u>	\$130.00
6	(7) <u>(a) Turkey permit</u>	\$20.00
7	<u>(b) Three-year turkey permit</u>	\$55.00
8	<u>(c) Five-year turkey permit</u>	\$90.00
9	(8) One-day fishing	\$10.00
10	<u>A three or five-year bowhunting or muzzle-loading privilege or turkey</u>	
11	<u>permit may only be sold to a person who either has purchased a hunting</u>	
12	<u>license for the same term or possesses a lifetime hunting license.</u>	
13	§ 20. This act shall take effect April 1, 2014.	

## 14 PART J

15 Section 1. Subdivisions 6, 7 and 8 of section 251-z-5 of the agricul-  
16 ture and markets law, subdivisions 6 and 7 as added by chapter 863 of  
17 the laws of 1972 and subdivision 8 as added by chapter 665 of the laws  
18 of 2005, are amended and a new subdivision 9 is added to read as  
19 follows:

20 (6) The applicant or licensee, or an officer, director, partner, hold-  
21 er of ten per cent of the voting stock, or any other person exercising  
22 any position of management or control has failed to comply with any of  
23 the provisions of this chapter or rules and regulations promulgated  
24 pursuant thereto; [or]

25 (7) Any person including the applicant or licensee, or an officer,  
26 director, partner or any stockholder, exercising any position of manage-

1 ment or control has been convicted of a felony in any court of the  
2 United States or any state or territory[.];

3 (8) A retail food store licensed under this article fails to comply  
4 with the education requirements set forth in section two hundred fifty-  
5 one-z-twelve of this article[.]; or

6 (9) The applicant or licensee has failed to pay any penalty imposed  
7 for or judgment based upon a violation of the provisions of this article  
8 or rules and regulations promulgated pursuant thereto, which outstanding  
9 penalty or penalties and/or judgment or judgments equal or exceed two  
10 thousand four hundred dollars. Notwithstanding, and in addition to the  
11 powers conferred in this section, when the commissioner finds that an  
12 applicant or licensee has failed to pay any penalty imposed or judgment  
13 obtained, which outstanding penalty or penalties and/or judgment or  
14 judgments equal or exceed two thousand four hundred dollars, the commis-  
15 sioner may decline to issue or renew a license, and, in lieu thereof,  
16 shall grant a provisional license.

17 (a) A provisional license shall expire sixty days following its issu-  
18 ance, unless: (i) prior to its expiration, the applicant or licensee  
19 pays or enters into an agreement with the department to pay all said  
20 amounts due, at which point the provisional license shall convert to a  
21 two-year license, commencing as of the date of issuance of the provi-  
22 sional license; or (ii) within thirty days of its issuance, the appli-  
23 cant or licensee requests a hearing, pursuant to rules and regulations  
24 that the department shall promulgate.

25 (b) Where a hearing is requested, the provisional license shall  
26 continue in force until the determination of said hearing. Should the  
27 applicant prevail, the provisional license shall convert into a two-year  
28 license, running from the date of the issuance of the provisional

1 license. Should the department prevail, the provisional license shall  
2 terminate and no license shall issue.

3 § 2. This act shall take effect immediately.

4 PART K

5 Section 1. Expenditures of moneys appropriated in a chapter of the  
6 laws of 2014 to the energy research and development authority, under the  
7 research, development and demonstration program, from the special reven-  
8 ue funds - other/state operations, miscellaneous special revenue fund -  
9 339, energy research and planning account, and special revenue funds -  
10 other/aid to localities, miscellaneous special revenue fund - 339, ener-  
11 gy research and planning account shall be subject to the provisions of  
12 this section. Notwithstanding the provisions of subdivision 4-a of  
13 section 18-a of the public service law, all moneys committed or expended  
14 shall be reimbursed by assessment against gas corporations and electric  
15 corporations as defined in section 2 of the public service law, and the  
16 total amount which may be charged to any gas corporation and any elec-  
17 tric corporation shall not exceed one cent per one thousand cubic feet  
18 of gas sold and .010 cent per kilowatt-hour of electricity sold by such  
19 corporations in their intrastate utility operations in calendar year  
20 2012. Such amounts shall be excluded from the general assessment  
21 provisions of subdivision 2 of section 18-a of the public service law,  
22 but shall be billed and paid in the manner set forth in such subdivision  
23 and upon receipt shall be paid to the state comptroller for deposit in  
24 the state treasury for credit to the miscellaneous special revenue fund.  
25 The director of the budget shall not issue a certificate of approval  
26 with respect to the commitment and expenditure of moneys hereby appro-

1 priated until the chair of such authority shall have submitted, and the  
2 director of the budget shall have approved, a comprehensive financial  
3 plan encompassing all moneys available to and all anticipated commit-  
4 ments and expenditures by such authority from any source for the oper-  
5 ations of such authority. Copies of the approved comprehensive financial  
6 plan shall be immediately submitted by the director of the budget to the  
7 chairs and secretaries of the legislative fiscal committees.

8 § 2. This act shall take effect immediately and shall be deemed to  
9 have been in full force and effect on and after April 1, 2014.

10 PART L

11 Section 1. Notwithstanding any law to the contrary, the comptroller is  
12 hereby authorized and directed to receive for deposit to the credit of  
13 the general fund the amount of up to \$913,000 from the New York state  
14 energy research and development authority.

15 § 2. This act shall take effect immediately and shall be deemed to  
16 have been in full force and effect on and after April 1, 2014.

17 PART M

18 Section 1. Legislative findings. The legislature hereby finds and  
19 determines:

20 1. In 2011 and 2012, three storms of enormous magnitude - Hurricane  
21 Irene, Tropical Storm Lee and Superstorm Sandy - each battered New York,  
22 causing billions of dollars of damage to roads, buildings and other  
23 infrastructure. The three storms collectively resulted in millions of

1 residential, business and industrial customers of electric utilities  
2 losing electricity for extended periods of time.

3 2. Each of these storms caused, among other things, a disruption in  
4 the distribution and supply of motor fuels, and in the case of Super-  
5 storm Sandy, downstate motorists were unable to obtain routine supplies  
6 of fuel for several weeks.

7 3. In addition, temporary fuel distribution disruptions associated  
8 with the aftermath of a storm can result in emergency vehicles and  
9 responders unable to adequately address ongoing public safety and health  
10 emergencies, delay an appropriate response to infrastructure damages  
11 caused by a storm, and otherwise disrupt commerce in the state due to  
12 difficulty to obtain readily available motor fuels.

13 4. On November 15, 2012, in response to Superstorm Sandy, Governor  
14 Andrew M. Cuomo announced the creation of the NYS Ready Commission and  
15 tasked it with finding ways to ensure critical systems and services are  
16 prepared for future natural disasters and other emergencies. As related  
17 to this act, the Commission was tasked with addressing vulnerabilities  
18 in the state's energy systems.

19 5. The NYS Ready Commission recommended, among other things, to  
20 require that retail gasoline outlets located in strategic locations have  
21 on-site back-up power capacity to ensure that such outlets can continue  
22 fuel sales operations during a long-term electric outage. The purpose of  
23 this act is to ensure that the state is better situated in the future to  
24 address the temporary disruption of retail fuel supplies.

25 § 2. Section 192-h of the agriculture and markets law, as added by  
26 section 2 of part S of chapter 58 of the laws of 2013, is amended to  
27 read as follows:

1 § 192-h. Alternate generated power source at retail gasoline outlets.

2 1. Definitions. When used in this section:

3 (a) "Alternate generated power source" means electric generating  
4 equipment that is of a capacity that is capable of providing adequate  
5 electricity to operate all dispensers, dispensing equipment, life safety  
6 systems and payment-acceptance equipment located at a retail outlet and  
7 which can operate independent of the local electric utility distribution  
8 system and provide electricity during a general power outage or declared  
9 energy or fuel supply emergency to operate the systems named herein.

10 (b) "Chain of retail outlets" means a network of subsidiaries or  
11 affiliates, under direct or indirect common control, that operate ten or  
12 more retail outlets located in a single downstate region; provided,  
13 however that this term does not include any franchisor of the brand of  
14 motor fuel being sold at such outlet, except if such franchisor owns  
15 such outlet.

16 (c) "Controlled access highway" means every highway, street, or road-  
17 way in respect to which owners or occupants of abutting lands and other  
18 persons have no legal right of access to or from the same except at such  
19 points only and in such manner as may be determined by the public  
20 authority having jurisdiction over such highway, street, or roadway.

21 (d) "Diesel motor fuel" means any fuel sold in this state and for use  
22 in diesel engines which is commercially known or offered for sale as  
23 diesel motor fuel.

24 (e) "Dispenser" means a device located at a retail outlet that is used  
25 to pump motor fuel from an above-ground or underground storage tank into  
26 a motor vehicle.

27 (f) "Downstate region" means each of the following regions of the  
28 state:



- 1 (i) Long Island region: Includes Nassau and Suffolk counties.
- 2 (ii) Lower Mid-Hudson region: Includes Rockland and Westchester coun-  
3 ties.
- 4 (iii) New York city region: Includes Bronx, Kings, New York, Queens  
5 and Richmond counties.
- 6 (g) "Evacuation route" means those roads designated by each county,  
7 and recognized by the state, that are to be used by motorists in case of  
8 a hurricane or other natural disaster.
- 9 (h) "Franchisor" means a person or company that grants a franchise to  
10 a franchisee.
- 11 (i) "Gasoline" means any fuel sold in this state for use in internal  
12 combustion engines which is commercially known or offered for sale as  
13 gasoline, whether or not blended with ethanol or other chemicals.
- 14 (j) "Motor fuel" means any petroleum product, including any gasoline  
15 or diesel motor fuel, which is used for the propulsion of motor vehi-  
16 cles.
- 17 (k) "Retailer" means any person who owns, operates, or controls a  
18 retail outlet that is subject to the requirements of subdivision two of  
19 this section.
- 20 (l) "Retail outlet" means a facility, including all land, improvements  
21 and associated structures and equipment, that dispenses motor fuel for  
22 sale to the general public.
- 23 (m) "Strategic upstate highways" means the following:
- 24 (i) I-87 beginning at the Rockland-Orange county line thence northerly  
25 passing through or in the vicinity of Albany to the intersection with  
26 I-90, the foregoing route being a portion of the New York state thruway;  
27 thence continuing northerly to the New York-Canada border;

1 (ii) I-90 beginning at I-87 in the vicinity of Albany thence westerly  
2 passing through or in the vicinity of Schenectady, Utica, Syracuse,  
3 Rochester, and Buffalo; thence continuing southwesterly to the New York-  
4 Pennsylvania border, the foregoing route being a portion of the New York  
5 state thruway;

6 (iii) the Berkshire section of the New York state thruway beginning at  
7 I-87 thence easterly to the intersection with I-90 and continuing on  
8 I-90 to the New York-Massachusetts border;

9 (iv) I-84 beginning at the New York-New Jersey border thence easterly  
10 passing through or in the vicinity of Newburgh, thence continuing east-  
11 erly and southeasterly to the New York-Connecticut border;

12 (v) I-88 beginning at I-81 in the vicinity of Binghamton thence  
13 northeasterly to I-90 in the vicinity of Schenectady;

14 (vi) I-86/State Route 17 beginning at I-87 in the vicinity of Woodbury  
15 thence westerly and northwesterly passing through or in the vicinity of  
16 Binghamton, Elmira, and Jamestown, continuing to the New York-Pennsylva-  
17 nia border;

18 (vii) I-81 beginning at the New York-Pennsylvania border thence north-  
19 erly passing through or in the vicinity of Syracuse and Watertown,  
20 continuing to the New York-Canada border;

21 (viii) I-390 beginning at I-86 in the vicinity of Avoca thence  
22 northwesterly and northerly in I-490 in the vicinity of Rochester; and

23 (ix) I-190 beginning at I-90 in the vicinity of Buffalo, thence  
24 westerly, northwesterly, and northerly through Buffalo, across Grand  
25 Island, the foregoing route being a portion of the New York state thru-  
26 way, and thence generally westerly to the United States-Canada border in  
27 the vicinity of Lewiston.

1     (n) "Upstate region" means any county of the state that is not part of  
2     the downstate region.

3     2. Prewiring and transfer switch. (a) Retail outlets in the downstate  
4     region shall be prewired with an appropriate transfer switch for using  
5     an alternate generated power source at such retail outlets as follows:

6     (i) each retail outlet in operation on the effective date of this  
7     section that is located within one-half mile by road measurement from an  
8     exit road on a controlled access highway or from an evacuation route  
9     shall be prewired by no later than April first, two thousand fourteen;

10    (ii) each retail outlet beginning operation after the effective date  
11    of this section and before April first, two thousand fourteen that is  
12    located within one-half mile by road measurement from an exit road on a  
13    controlled access highway or from an evacuation route shall be prewired  
14    by no later than April first, two thousand fifteen;

15    (iii) each retail outlet that is located within one-half mile by road  
16    measurement from an evacuation route that is designated as such after  
17    the effective date of this section or within one-half mile by road meas-  
18    urement from an exit road that is established after the effective date  
19    of this section shall be prewired within one year of such designation or  
20    establishment provided that funding is available at such time for the  
21    program established under subdivision twenty of section eighteen hundred  
22    fifty-four of the public authorities law; and

23    (iv) thirty percent of all retail outlets that are part of a chain of  
24    retail outlets, exclusive of those included in subparagraphs (i), (ii)  
25    and (iii) of this paragraph, shall be prewired by no later than August  
26    first, two thousand fifteen, provided, however, in the case of an exist-  
27    ing retail outlet that becomes part of a chain of retail outlets after  
28    the effective date of this section and that has been designated by the

1 chain as an outlet comprising such thirty percent, by no later than  
2 August first, two thousand fifteen or one year after becoming part of  
3 such chain, whichever is later, and provided further, in the case of a  
4 retail outlet that is part of a chain of retail outlets, is part of such  
5 thirty percent and is subject to paragraph (b) of this subdivision as  
6 required in paragraph (b) of this subdivision.

7 (a-1) Retail outlets in the upstate region shall be prewired with an  
8 appropriate transfer switch for using an alternate generated power  
9 source at such retail outlets as follows:

10 (i) each retail outlet in operation on the effective date of this  
11 paragraph that is located on a strategic upstate highway or within one-  
12 half mile by road measurement from an exit road on a strategic upstate  
13 highway or from an evacuation route shall be prewired by no later than  
14 April first, two thousand fifteen;

15 (ii) each retail outlet beginning operation after the effective date  
16 of this paragraph and before April first, two thousand fifteen that is  
17 located on a strategic upstate highway or within one-half mile by road  
18 measurement from an exit road on a strategic upstate highway or from an  
19 evacuation route shall be prewired by no later than April first, two  
20 thousand sixteen; and

21 (iii) each retail outlet that is located within one-half mile by road  
22 measurement from an evacuation route that is designated as such after  
23 the effective date of this section or on a strategic upstate highway or  
24 within one-half mile by road measurement from an exit road on a strate-  
25 gic upstate highway that is established after the effective date of this  
26 paragraph shall be prewired within one year of such designation or  
27 establishment provided that funding is available at such time for the

1 program established under subdivision twenty of section eighteen hundred  
2 fifty-four of the public authorities law.

3 (b) Each retail outlet for which a building permit is issued on or  
4 after April first, two thousand fourteen for new construction or for  
5 substantial demolition and reconstruction, shall be prewired with an  
6 appropriate transfer switch for using an alternate generated power  
7 source.

8 (c) Such transfer switch and all associated electrical wiring shall be  
9 installed, operated, and maintained in compliance with all applicable  
10 provisions of the New York state uniform fire prevention and building  
11 code or any applicable local building code or standard. Installation of  
12 appropriate wiring and transfer switches shall be performed by a  
13 licensed electrical contractor.

14 (d) Each retailer shall keep on file at the retail outlet a written  
15 statement in a form approved by the department and containing an attes-  
16 tation by a licensed electrician that the wiring and transfer switch  
17 were installed in accordance with the manufacturer's specifications. In  
18 addition, each such retailer shall maintain the wiring and transfer  
19 switch in accordance with the manufacturer's specifications.

20 (e) Each retail outlet in the downstate region in operation on the  
21 effective date of this section that sold less than seventy-five thousand  
22 gallons of motor fuel per month on average for the period they were in  
23 operation during the twelve months prior to the effective date shall be  
24 exempt from the requirements of this subdivision.

25 3. Emergency deployment. In the event that a declaration of an energy  
26 or fuel supply emergency issued by the governor, the county executive of  
27 a county [in the downstate region] containing retail outlets subject to  
28 the provisions of this section or the mayor of a city with a population

1 in excess of one million inhabitants is in effect, a retailer of a  
2 retail outlet within any such county or city for which such declaration  
3 was issued shall deploy and install an alternate generated power source  
4 as follows:

5 (a) For a retail outlet subject to the requirements of: (i) paragraph  
6 (a-1) of subdivision two of this section or subparagraphs (i), (ii) or  
7 (iii) of paragraph (a) of subdivision two of this section or (ii) para-  
8 graph (b) of subdivision two of this section that is located in the  
9 downstate region and that is located within one-half mile by road meas-  
10 urement from an exit road on a controlled access highway or from an  
11 evacuation route, within twenty-four hours of such declaration, if such  
12 outlet is without power at the time of such declaration. Provided,  
13 however, if any such outlet loses power following such declaration and  
14 while the declaration is still in effect, then the alternate generated  
15 power source shall be deployed and installed within twenty-four hours of  
16 such loss of power.

17 (b) For a retail outlet prewired pursuant to the requirements of  
18 subparagraph (iv) of paragraph (a) of subdivision two of this section,  
19 within forty-eight hours of such declaration, if such outlet is without  
20 power at the time of such declaration. Provided, however, if any such  
21 outlet loses power following such declaration and while the declaration  
22 is still in effect, then the alternate generated power source shall be  
23 deployed and installed within forty-eight hours of the loss of power.

24 3-a. Declaration of energy or fuel supply emergency. Upon issuance of  
25 a declaration of an energy or fuel supply emergency pursuant to this  
26 subdivision, a county executive of a county [in the downstate region]  
27 whose retail outlets are subject to the provisions of this section or  
28 mayor of a city with a population in excess of one million inhabitants

1 who declared such emergency shall promptly notify the president of the  
2 New York state energy research and development authority, the commis-  
3 sioner of homeland security and emergency services, and impacted resi-  
4 dents using such means as are practicable and efficient.

5 4. Plan for alternate generated power source. Each retailer subject to  
6 subdivision three of this section shall by the date of the installation  
7 of the prewiring and transfer switch required under subdivision two of  
8 this section have in place at each applicable retail outlet documenta-  
9 tion in a form approved by the department demonstrating a plan to deploy  
10 and install an alternate generated power source located at such retail  
11 outlet as required under subdivision three of this section. Such plan  
12 shall take one of the following forms:

13 (a) a receipt or other documentation showing ownership of such power  
14 source;

15 (b) for a retailer subject to paragraph (a) of subdivision three of  
16 this section, documentation attesting to participation in the program  
17 established under subdivision twenty-one of section eighteen hundred  
18 fifty-four of the public authorities law; or

19 (c) a contract with a supplier of such power source providing for  
20 deployment and installation of such power source in compliance with the  
21 requirements of this section, or other documentation demonstrating the  
22 retailer's ability to comply with the requirements of this section,  
23 which may include the generator deployment and installation plan of a  
24 chain of retail outlets.

25 5. Inspection; recordkeeping; reporting. The commissioner or the  
26 commissioner's designee shall be authorized to enter during regular  
27 business hours upon a retail outlet subject to the requirements of  
28 subdivision two of this section for the purpose of determining compli-

1   ance with the provisions of this section and any rules or regulations  
2   promulgated hereunder. All documents required pursuant to subdivisions  
3   two and four of this section shall be maintained at the applicable  
4   retail outlet and made available to the commissioner or the commission-  
5   er's designee upon request. In addition, each retailer of a retail  
6   outlet, except for retail outlets granted exemptions under paragraph (e)  
7   of subdivision two of this section, shall provide to the department by  
8   [April first, two thousand fourteen] the date of the installation of the  
9   prewiring and transfer switch required under subdivision two of this  
10 section and every two years thereafter written documentation in a form  
11 approved by the department certifying that such retail outlet is in  
12 compliance with the requirements of this section, and any other require-  
13 ment specified by any rules or regulations promulgated hereunder;  
14 provided, however, that, for each retail outlet that is part of a chain  
15 of retail outlets or to which subparagraph (ii) or (iii) of paragraph  
16 (a), subparagraph (iii) of paragraph (a-1) or paragraph (b) of subdivi-  
17 sion two applies, such written documentation shall be provided to the  
18 department within ten days after the date of installation of the prewir-  
19 ing and transfer switch required to be installed under subdivision two  
20 of this section and every two years thereafter.

21   6. Rules and regulations; notification of applicability. The commis-  
22 sioner shall have the authority, with the assistance of the commissioner  
23 of transportation, the commissioner of homeland security and emergency  
24 services, the president of the New York state energy research and devel-  
25 opment authority, the secretary of state and the chair of the public  
26 service commission, to promulgate such rules and regulations as the  
27 commissioner shall deem necessary to effectuate the purposes of this  
28 section. The commissioner shall by June first, two thousand thirteen:



1 (a) notify by first class mail all existing retail outlets that appear  
2 to meet the criteria specified in subdivision two of this section of the  
3 requirements of this section and include with such notification any  
4 other information deemed necessary by the commissioner, including infor-  
5 mation regarding applicability criteria, compliance measures and poten-  
6 tial grant assistance; (b) provide a list of all such retail outlets to  
7 the governor, the temporary president of the senate and the speaker of  
8 the assembly; and (c) post such list on the department's website,  
9 provided however that for retail outlets subject to paragraph (a-1) of  
10 subdivision two of this section, such actions shall occur by June first,  
11 two thousand fourteen. If approval of federal mitigation funds or other  
12 approved resources for the program established under subdivision twenty  
13 of section eighteen hundred fifty-four of the public authorities law  
14 occurs after June first, two thousand thirteen, the commissioner shall  
15 provide additional notification of such approval within thirty days. Any  
16 retailer of a retail outlet specified on such list shall be subject to  
17 the requirements of this section unless he or she provides written  
18 documentation to the department by August first, two thousand thirteen  
19 proving that such outlet does not qualify, or is eligible for an  
20 exemption pursuant to paragraph (e) of subdivision two of this section;  
21 provided however that for retail outlets subject to paragraph (a-1) of  
22 subdivision two of this section, any retailer of a retail outlet speci-  
23 fied on such list shall be subject to the requirements of this section  
24 unless he or she provides written documentation to the department by  
25 August first, two thousand fourteen proving that such outlet does not  
26 qualify. The commissioner shall update such list every five years ther-  
27 eafter, or more frequently as the commissioner deems necessary, and  
28 notify all new retail outlets that become subject to the requirements of

1 this section; provided, however, that compliance with the requirements  
2 of this section is not conditioned on such notification.

3 7. Violations and penalties. Any retailer who violates any provision  
4 of this section, or any rule or regulation promulgated hereunder, shall  
5 be liable to the people of the state for a civil penalty of up to one  
6 thousand five hundred dollars per day for every such violation, to be  
7 assessed by the commissioner, after a hearing or opportunity to be heard  
8 upon due notice and with the right to representation by counsel. In  
9 determining the amount of civil penalty, the commissioner shall take  
10 into consideration mitigating factors, such as the availability of gaso-  
11 line at the retail outlet, provided that the retailer did not refuse  
12 such delivery, and the extent to which the retailer's action or inaction  
13 contributed to the violation. Such penalty may be recovered in an action  
14 brought by the attorney general at the request and in the name of the  
15 commissioner in any court of competent jurisdiction. Such civil penalty  
16 may be released or compromised by the commissioner before the matter has  
17 been referred to the attorney general. Additionally, after such hearing  
18 and a finding that such retailer has violated the provisions of this  
19 section, or of any rule or regulation promulgated thereunder, the  
20 commissioner may issue and cause to be served upon such person an order  
21 enjoining such person from violating such provisions and taking all  
22 necessary actions for such person to come into compliance with such  
23 provisions. Any such order of the commissioner may be enforced in an  
24 action brought by the attorney general at the request and in the name of  
25 the commissioner in any court of competent jurisdiction.

26 Notwithstanding the foregoing, such retailer shall not be in violation  
27 of subdivision three of this section if he or she is unable to deploy,  
28 install or operate an alternate generated power source because of uncon-

1 trollable circumstances, including but not limited to, restrictions  
2 imposed by public safety officers to address an emergency situation or  
3 that such retail station is made unsafe or unable to operate due to acts  
4 of God, fires, floods, explosions or the safety of personnel needed to  
5 operate such retail outlet. Additionally, such retailer shall not be in  
6 violation of subdivision three of this section if he or she is a partic-  
7 ipant in the program established under subdivision twenty-one of section  
8 eighteen hundred fifty-four of the public authorities law and a genera-  
9 tor is not provided to the retailer due to the prioritization allowed  
10 under such subdivision or through no fault of the retailer.

11 8. This section shall not be construed to require any retailer to  
12 maintain set business hours in the event of an energy or fuel supply  
13 emergency.

14 9. The provisions of this section shall supersede all local laws or  
15 ordinances in the downstate region and in counties in the upstate region  
16 whose retail outlets are subject to the provisions of this section  
17 relating to the installation and deployment of an alternate generated  
18 power source or any related electrical or other equipment at any retail  
19 outlet.

20 10. The requirements of this section shall be contingent on the  
21 approval of federal mitigation funds or other approved resources for the  
22 program established under subdivision twenty of section eighteen hundred  
23 fifty-four of the public authorities law. In the event such approval  
24 does not occur as of June first, two thousand thirteen, all deadlines  
25 with a date of April first, two thousand fourteen shall be delayed by  
26 the amount of time such approval is delayed past June first, two thou-  
27 sand thirteen.

1 § 3. Subdivisions 20 and 21 of section 1854 of the public authorities  
2 law, as added by section 3 of part S of chapter 58 of the laws of 2013,  
3 are amended to read as follows:

4 20. To administer a program, using funds provided for such purpose, to  
5 provide a grant based on standards and guidelines established by the  
6 authority for costs as follows:

7 (a) for each retail outlet that is in operation before April first,  
8 two thousand fourteen and is subject to the requirements of paragraph  
9 (a) of subdivision three of section one hundred ninety-two-h of the  
10 agriculture and markets law and for each retail outlet that is in opera-  
11 tion before April first, two thousand fifteen and is subject to the  
12 requirements of paragraph (a-1) of subdivision two of section one  
13 hundred ninety-two-h of the agriculture and markets law:

14 (i) no greater than ten thousand dollars required to prewire such  
15 retail outlet with an appropriate transfer switch for using an alternate  
16 generated power source as defined in section one hundred ninety-two-h of  
17 the agriculture and markets law; or

18 (ii) no greater than thirteen thousand dollars required to prewire  
19 such retail outlet with an appropriate transfer switch for using an  
20 alternate generated power source as defined in section one hundred nine-  
21 ty-two-h of the agriculture and markets law and purchase such power  
22 source to be permanently affixed at the site.

23 (b) for each retail outlet that is in operation before April first,  
24 two thousand fourteen and is subject to the requirements of paragraph  
25 (b) of subdivision three of section one hundred ninety-two-h of the  
26 agriculture and markets law, no greater than ten thousand dollars  
27 required to: (i) prewire an existing retail outlet with an appropriate  
28 transfer switch for using an alternate generated power source as defined

1 in section one hundred ninety-two-h of the agriculture and markets law;  
2 and/or (ii) purchase such power source to be permanently affixed at the  
3 site.

4 (c) to the extent funds are available, for retail outlets that become  
5 operational on or after April first, two thousand fourteen, or to which  
6 subdivision two of section one hundred ninety-two-h of the agriculture  
7 and markets law becomes applicable after the effective date of this  
8 subdivision, which grants shall otherwise be subject to the same  
9 amounts, purposes and restrictions as paragraphs (a) and (b) of this  
10 subdivision.

11 The authority may offer any funds provided for such purpose and not  
12 expended to retail outlets that are not required to comply with the  
13 requirements of subdivision two of section one hundred ninety-two-h of  
14 the agriculture and markets law but that seek to participate in such  
15 program.

16 21. To administer a program to establish a pool of generators for  
17 retail outlets as defined in section one hundred ninety-two-h of the  
18 agriculture and markets law. The authority may enter into or facilitate  
19 contracts, lease agreements and any other instruments subject to the  
20 provisions of law, with companies providing generators and generator  
21 services to provide for such pool and the deployment and installation of  
22 generators in the pool. Retail outlets that elect to participate in the  
23 program and are subject to the requirements of paragraph (a-1) of subdi-  
24 vision two or paragraph (a) of subdivision three of section one hundred  
25 ninety-two-h of the agriculture and markets law shall be required only  
26 to pay the actual cost of generator rental, deployment and installation  
27 in the event that emergency deployment is required, provided, that a  
28 participant must abide by the terms of any contract or written agreement

1 covering the rental, deployment and installation of such generator. In  
2 the event that an insufficient number of generators is available to meet  
3 required emergency deployment, the authority in consultation with the  
4 commissioner of homeland security and emergency services shall prior-  
5 itize such retail outlets as are most essential to public safety and  
6 well-being during the energy or fuel supply emergency. When generators  
7 from such program are deployed, the authority shall provide public  
8 notice on its website, to the media and through other means practicable  
9 of those retail outlets where generators are deployed.

10 § 4. This act shall take effect immediately.

11 PART N

12 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the  
13 executive law relating to permitting the secretary of state to provide  
14 special handling for all documents filed or issued by the division of  
15 corporations and to permit additional levels of such expedited service,  
16 as amended by section 1 of part P of chapter 58 of the laws of 2013, is  
17 amended to read as follows:

18 § 2. This act shall take effect immediately, provided however, that  
19 section one of this act shall be deemed to have been in full force and  
20 effect on and after April 1, 2003 and shall expire March 31, [2014]  
21 2015.

22 § 2. This act shall take effect immediately and shall be deemed to  
23 have been in full force and effect on and after March 31, 2014.

24 PART O

1 Section 1. Paragraph (g) of section 104 of the business corporation  
2 law, as amended by chapter 375 of the laws of 1998, is amended to read  
3 as follows:

4 (g) The department shall make, certify and transmit electronically a  
5 copy of each such instrument to the clerk of the county in which the  
6 office of the domestic or foreign corporation is or is to be located.  
7 The county clerk shall file and index such copy.

8 § 2. Paragraph (g) of section 104 of the not-for-profit corporation  
9 law, as amended by chapter 375 of the laws of 1998, is amended to read  
10 as follows:

11 (g) The department shall make, certify and transmit electronically a  
12 copy of each such instrument to the clerk of the county in which the  
13 office of the domestic or foreign corporation is or is to be located.  
14 The county clerk shall file and index such copy.

15 § 3. This act shall take effect immediately.

16 PART P

17 Section 1. Subdivision 2 of section 160-f of the executive law, as  
18 amended by chapter 397 of the laws of 1991, is amended to read as  
19 follows:

20 2. Notwithstanding any other law, the department may transmit an annu-  
21 al registry fee [of not more than twenty-five dollars] as set by the  
22 federal appraisal subcommittee in accordance with 12 U.S.C. 3338  
23 (a)(4)(A) from such individuals who perform or seek to perform  
24 appraisals in federally related transactions and to transmit a roster of  
25 such individuals to the Appraisal Subcommittee of the Federal Financial

1 Institutions Examination Council as required by Title XI of the Finan-  
2 cial Institutions Reform, Recovery, and Enforcement Act of 1989.

3 § 2. This act shall take effect immediately.

4 PART Q

5 Section 1. Notwithstanding any other law, rule or regulation to the  
6 contrary, expenses of the department of health public service education  
7 program incurred pursuant to appropriations from the cable television  
8 account of the state miscellaneous special revenue funds shall be deemed  
9 expenses of the department of public service.

10 § 2. This act shall take effect immediately and shall be deemed to  
11 have been in full force and effect on and after April 1, 2014.

12 PART R

13 Section 1. Section 5 of the public service law is amended by adding a  
14 new subdivision 7 to read as follows:

15 7. (a) The commission may, after notice and hearing, forbear from  
16 applying the provisions of subdivision two of section ninety-one and  
17 section ninety-two, ninety-nine, one hundred, one hundred one or one  
18 hundred one-a of this chapter to a telephone corporation, telephone  
19 service, or class of telephone corporations or telephone services as  
20 defined in commission regulations, in any geographic market upon a  
21 determination that:

22 (i) application of a provision is not necessary to ensure just and  
23 reasonable rates and charges and rates that are not unjustly or unrea-  
24 sonably discriminatory;



1 (ii) application of a provision is not necessary for protection of  
2 consumers; and

3 (iii) forbearance from applying a provision is consistent with the  
4 public interest, including, but not limited to, promotion of competitive  
5 market conditions and competition among providers of telephone services.

6 (b) Any telephone corporation or such class of telephone corporations  
7 may petition the commission for exercise of the authority granted under  
8 this subdivision.

9 § 2. Paragraph (d) of subdivision 5 of section 52 of the public  
10 service law, as added by chapter 186 of the laws of 1995, is amended to  
11 read as follows:

12 (d) when such determination follows a customer complaint regarding a  
13 shared meter condition or a utility discovery of a shared meter condi-  
14 tion that is not in response to an owner's request for a utility  
15 inspection for a shared meter condition, with respect to utility service  
16 billed after December first, nineteen hundred ninety-six, the utility  
17 shall comply with the provisions of paragraphs (a), (b) and (c) of this  
18 subdivision, and further bill the owner and refund to the shared meter  
19 customer an estimated amount of the charges for [twelve months] twenty-  
20 five percent of all service measured by the shared meter for twelve  
21 months; provided, however, that this paragraph shall not apply to a  
22 shared meter condition if service measured through the shared meter is  
23 minimal under commission rules adopted pursuant to subdivision eight of  
24 this section[. An owner so billed] or in the event an owner, pursuant to  
25 subparagraph (i) of paragraph (b) of subdivision two of this section, is  
26 excused from correcting the shared meter condition by a legal prohibi-  
27 tion or exorbitant cost as defined by commission rules adopted pursuant  
28 to subdivision eight of this section. A shared meter customer may peti-

1 tion the commission or its designee for a determination that the amount  
2 of such [bill is excessive] assessment is unsatisfactory and that such  
3 bill and refund be adjusted [accordingly]; provided, however, [neither  
4 the adjusted bill nor] that the adjusted refund shall [be less than  
5 twenty-five percent of] not exceed the total amount of the original  
6 bill. [The commission is authorized to make such a determination and  
7 adjustment if it finds that a bill and refund of twelve months' charges  
8 is unduly burdensome and unfair.] In making such determination the  
9 commission or its designee shall consider the total amount of the bill  
10 and refund in relation to the shared area charges over such twelve month  
11 period and any other equitable factors established by the commission;  
12 and

13 § 3. Section 221 of the public service law, as added by chapter 83 of  
14 the laws of 1995, is amended to read as follows:

15 § 221. Certificate of confirmation. 1. Except as provided in this  
16 section, no person shall exercise a franchise, and no such franchise  
17 shall be effective, [until the commission has confirmed such franchise.  
18 A person wishing to exercise a franchise shall file with the commission  
19 an application for a certificate of confirmation in such form and  
20 containing such information and supportive documentation as the commis-  
21 sion may require. The application shall be accompanied by proof of  
22 service thereof upon the franchisor and by such fee as the commission  
23 may set] unless a copy of such franchise has been approved by the muni-  
24 cipality, and properly filed with the commission within thirty days of  
25 municipal approval. Such franchise shall be subject, at a minimum, to  
26 the franchising standards set forth in this article and the rules and  
27 regulations promulgated thereunder by the commission.

1 2. A franchise shall be deemed granted forty-five days after the fran-  
2 chise is filed pursuant to subdivision one of this section unless the  
3 commission, or its designee, determines within such forty-five day peri-  
4 od that the public interest requires the commission's review and written  
5 order.

6 [2.] 3. The commission may hold a public hearing on any application  
7 for a certificate of confirmation if it determines that such a hearing  
8 is in the public interest. The commission shall fix the time and place  
9 for such a hearing and cause notice thereof to be given to the appli-  
10 cant, the chief executive officer of the municipality issuing the fran-  
11 chise and such other persons as the commission may deem appropriate.  
12 Testimony may be taken and evidence received at such a hearing pursuant  
13 to such rules and procedures as the commission may establish.

14 [3.] 4. [The commission shall issue a] A certificate of confirmation  
15 of the franchise [unless it finds that (a) the applicant, (b) the  
16 proposed cable television system, or (c) the proposed franchise does not  
17 conform to the standards established in the regulations promulgated by  
18 the commission pursuant to subdivision two of section two hundred  
19 fifteen, or that operation of the proposed cable television system by  
20 the applicant under the proposed cable television system by the appli-  
21 cant under the proposed franchise would be in violation of law, any  
22 regulation or standard promulgated by the commission or the public  
23 interest.] shall be deemed confirmed forty-five days after the franchise  
24 is filed pursuant to subdivision one of this section unless the commis-  
25 sion, or its designee, determines within such forty-five day period that  
26 the public interest requires the commission's review and written order.

27 [4.] 5. The commission may issue a certificate of confirmation contin-  
28 gent upon compliance with standards, terms or conditions set by the

1 commission which it determines would not have been met by the applicant,  
2 system or franchise as proposed.

3 [5.] 6. In the event the commission refuses to issue a certificate of  
4 confirmation, it shall set forth in writing the reasons for its deci-  
5 sion.

6 [6. Any cable television company which, pursuant to any existing fran-  
7 chise, (i) was lawfully engaged in actual operations for (ii) had  
8 commenced substantial construction (as such term is defined by the  
9 commission) of a cable television system on January first, nineteen  
10 hundred seventy-two may continue to exercise said franchise pursuant to  
11 the terms thereof, provided such company files with the commission, on  
12 or before July first, nineteen hundred seventy-three an application in  
13 such form and containing such information and supporting documentation  
14 as the commission may require. The commission shall issue a certificate  
15 of confirmation to such a cable television company valid for five years  
16 without further proceedings, which certificate may be renewed by the  
17 commission on application for five year terms pursuant to the provisions  
18 of section two hundred twenty-two.

19 7. Notwithstanding any other provisions of this article, any cable  
20 television company engaged in actual and lawful nonfranchised cable  
21 television operations on April first, nineteen hundred seventy-three,  
22 that applied for a certificate of confirmation on or before September  
23 first, nineteen hundred seventy-four and received a certificate, valid  
24 for a five year period, may continue to operate within the limits of the  
25 area in which it was actually rendering service on April first, nineteen  
26 hundred seventy-three, as determined by the commission. Such a certif-  
27 icate of confirmation may be renewed by the commission on application  
28 for five year terms pursuant to the provisions of section two hundred

1 twenty-two of this article. Any such company which failed to file an  
2 application pursuant to this section on or before September first, nine-  
3 teen hundred seventy-four, shall thereafter be prohibited from continu-  
4 ing operation of a nonfranchised cable television system, provided  
5 however, that the commission may authorize such continued nonfranchised  
6 operation in extraordinary circumstances for such periods as the commis-  
7 sion may deem appropriate.

8 8. Nothing in this section shall be deemed to validate a franchise not  
9 granted in accordance with law or affect any claims in litigation on  
10 January first, nineteen hundred seventy-three. No confirmation under  
11 this section shall preclude invalidation of any franchise illegally  
12 obtained.

13 9.] 7. Confirmation by the commission and duties performed by the  
14 commission with respect to its regulation of cable television providers  
15 under this article shall not be deemed to constitute "supervision of the  
16 state department of public service" for the purpose of the meaning of  
17 such phrase as it is used in describing those utilities which are  
18 subject to tax on a gross income basis under section one hundred eight-  
19 y-six-a of the tax law or pursuant to section twenty-b of the general  
20 city law and subdivision one of section [five hundred thirty] 5-530 of  
21 the village law.

22 § 4. Section 222 of the public service law is REPEALED and a new  
23 section 222 is added to read as follows:

24 § 222. Renewal or amendment of franchises. 1. Except as provided in  
25 this section, no person shall renew or amend a franchise renewal, and no  
26 such renewal or amendment shall be effective, unless a copy of such  
27 renewal or amendment has been approved by the municipality, and properly  
28 filed with the commission within thirty days of municipal approval. Such

1 renewal or amendment shall be subject, at a minimum, to the franchising  
2 standards set forth in this article and the rules and regulations  
3 promulgated thereunder by the commission.

4 2. Renewals and amendments shall be deemed granted forty-five days  
5 after the renewal or amendment is filed pursuant to subdivision one of  
6 this section unless the commission, or its designee, determines within  
7 such forty-five day period that the public interest requires the commis-  
8 sion's review and written order.

9 § 5. The public service law is amended by adding a new section 222-a  
10 to read as follows:

11 § 222-a. Transfer of franchises and transfer of control over fran-  
12 chises and system properties. 1. No transfer of any franchise, or any  
13 transfer of control of a franchise or certificate of confirmation or of  
14 facilities constituting a significant part of any cable television  
15 system shall be effective without the prior approval of the commission.  
16 Such approval shall be required in addition to any municipal approval  
17 required under the franchise or by law. For the purposes of this  
18 section, a merger or consolidation of two or more cable television  
19 companies shall be deemed to be a transfer of the franchises or certif-  
20 icates granted to such companies.

21 2. A person wishing to transfer a franchise, or to transfer control of  
22 a franchise or of a substantial part of the facilities thereof shall  
23 file with the commission an application for approval of such change, in  
24 such form and containing such information and supporting documents as  
25 the commission may require. The application shall be accompanied by  
26 proof of service thereof upon the franchisor, if any, and by such fee as  
27 the commission may set. The commission may hold a public hearing on any  
28 such application.



1 (a) Notwithstanding any provision of law to the contrary, and subject  
2 to the exceptions provided for in paragraph (b) of this subdivision, for  
3 the state fiscal year beginning on April first, two thousand nine and  
4 eight state fiscal years thereafter, a temporary annual assessment  
5 (hereinafter "temporary state energy and utility service conservation  
6 assessment") is hereby imposed on public utility companies [(including  
7 for the purposes of this subdivision municipalities other than munici-  
8 palities as defined in section eighty-nine-1 of this chapter)], corpo-  
9 rations (including for purposes of this subdivision the Long Island  
10 power authority), and persons subject to the commission's regulation  
11 (hereinafter such public utility companies, corporations, and persons  
12 are referred to collectively as the "utility entities") to encourage the  
13 conservation of energy and other resources provided through utility  
14 entities, to be assessed in the manner provided in this subdivision;  
15 provided, however, that such assessment shall not be imposed upon (1) a  
16 telephone [corporations as defined in subdivision seventeen of section  
17 two of this article] corporation, and (2) a water-works corporation; and  
18 provided, further, that such assessment shall not be imposed upon the  
19 gross operating revenues derived from: (i) an electric customer account  
20 with a monthly peak demand of one thousand kilowatts or more in the last  
21 preceding calendar year as determined pursuant to the utility entity's  
22 tariff, and (ii) a gas customer account with an annual consumption in  
23 the last preceding calendar year of one hundred thousand dekatherms or  
24 more as determined pursuant to the utility entity's tariff.

25 (b) The temporary state energy and utility service conservation  
26 assessment shall apply only to those corporations and gross operating  
27 revenues not exempted in paragraph (a) of this subdivision and shall be  
28 based upon the following percentum of the utility entity's gross operat-



1 ing revenues derived from intrastate utility operations in the last  
2 preceding calendar year, minus the amount, if any, that such utility  
3 entity is assessed pursuant to subdivisions one and two of this section  
4 for the corresponding state fiscal year period: (1) two percentum for  
5 the state fiscal year beginning April first, two thousand thirteen;  
6 [and] (2) 1.89 percentum for the state fiscal year beginning April  
7 first, two thousand fourteen; [(2) one and three-quarters] (3) 1.13  
8 percentum for the state fiscal year beginning April first, two thousand  
9 fifteen; and [(3) one and one-half] (4) 0.83 percentum for the state  
10 fiscal year beginning April first, two thousand sixteen. A payment for  
11 such assessment received by a utility entity for the state fiscal year  
12 beginning April first, two thousand fourteen and thereafter for (i)  
13 electric customer accounts with a monthly peak demand of one thousand  
14 kilowatts or more in the last preceding calendar year as determined  
15 pursuant to the utility entity's tariff, and (ii) gas customer accounts  
16 with an annual consumption in the last preceding calendar year of one  
17 hundred thousand dekatherms or more as determined pursuant to the utili-  
18 ty entity's tariff, shall be credited to such customer by the utility  
19 entity, no less frequently than semi-annually and in such manner and  
20 form as may be determined by the department. With respect to the tempo-  
21 rary state energy and utility service conservation assessment to be paid  
22 for the state fiscal year beginning April first, two thousand seventeen  
23 and notwithstanding clause (i) of paragraph (d) of this subdivision, on  
24 or before March tenth, two thousand seventeen, utility entities shall  
25 make a payment equal to one-half of the assessment paid by such entities  
26 pursuant to this paragraph for the state fiscal year beginning on April  
27 first, two thousand sixteen. With respect to the Long Island power  
28 authority, the temporary state energy and utility service conservation

1 assessment shall apply only to the gross operating revenues not exempted  
2 in paragraph (a) of this subdivision and shall be based upon the follow-  
3 ing percentum of such authority's gross operating revenues derived from  
4 intrastate utility operations in the last preceding calendar year, minus  
5 the amount, if any, that such authority is assessed pursuant to subdivi-  
6 sions one-a and two of this section for the corresponding state fiscal  
7 year period: (1) one percentum for the state fiscal year beginning April  
8 first, two thousand thirteen; [and] (2) 0.95 percentum for the state  
9 fiscal year beginning April first, two thousand fourteen; [(2) three-  
10 quarters of one] (3) 0.54 percentum for the state fiscal year beginning  
11 April first, two thousand fifteen; and [(3) one-half] (4) 0.36 percentum  
12 for the state fiscal year beginning April first, two thousand sixteen;  
13 provided, however, that should the amount assessed by the department for  
14 costs and expenses pursuant to such subdivisions equal or exceed such  
15 authority's temporary state energy and utility service conservation  
16 assessment for a particular fiscal year, the amount to be paid under  
17 this subdivision by such authority shall be zero. A payment for such  
18 assessment received for the state fiscal year beginning April first, two  
19 thousand fourteen and thereafter for electric customer accounts with a  
20 monthly peak demand of one thousand kilowatts or more in the last  
21 preceding calendar year as determined by the authority's tariff shall be  
22 credited to such customer by the authority, no less frequently than  
23 semi-annually and in such manner and form as may be determined by the  
24 authority, in consultation with the department. With respect to the  
25 temporary state energy and utility service conservation assessment to be  
26 paid for the state fiscal year beginning April first, two thousand  
27 seventeen and notwithstanding clause (i) of paragraph (d) of this subdivi-  
28 vision, on or before March tenth, two thousand seventeen, the Long

1 Island power authority shall make a payment equal to one-half of the  
2 assessment it paid for the state fiscal year beginning on April first,  
3 two thousand sixteen. No corporation or person subject to the jurisdic-  
4 tion of the commission only with respect to safety, or the power author-  
5 ity of the state of New York, shall be subject to the temporary state  
6 energy and utility service conservation assessment provided for under  
7 this subdivision. Utility entities whose gross operating revenues from  
8 intrastate utility operations are five hundred thousand dollars or less  
9 in the preceding calendar year shall not be subject to the temporary  
10 state energy and utility service conservation assessment. The minimum  
11 temporary state energy and utility service conservation assessment to be  
12 billed to any utility entity whose gross revenues from intrastate utili-  
13 ty operations are in excess of five hundred thousand dollars in the  
14 preceding calendar year shall be two hundred dollars.

15 § 2. This act shall take effect immediately and shall be deemed to  
16 have been in full force and effect on and after April 1, 2014; provided,  
17 however, that the amendments to subdivision 6 of section 18-a of the  
18 public service law made by section one of this act shall not affect the  
19 repeal of such subdivision and shall be deemed to be repealed therewith.

20 PART T

21 Section 1. The opening paragraph of section 5102 of the insurance law  
22 is amended and a new subsection (n) is added to read as follows:

23 In this [chapter] article:

24 (n) "Provider of health services" means an individual or entity who or  
25 that renders or has rendered health services.

1 § 2. Section 5109 of the insurance law, as added by chapter 423 of the  
2 laws of 2005, is amended to read as follows:

3 § 5109. Unauthorized providers of health services. (a) [The super-  
4 intendent, in consultation with the commissioner of health and the  
5 commissioner of education, shall by regulation, promulgate standards and  
6 procedures for investigating and suspending or removing the authori-  
7 zation for providers of health services to demand or request payment for  
8 health services as specified in paragraph one of subsection (a) of  
9 section five thousand one hundred two of this article upon findings  
10 reached after investigation pursuant to this section. Such regulations  
11 shall ensure the same or greater due process provisions, including  
12 notice and opportunity to be heard, as those afforded physicians inves-  
13 tigated under article two of the workers' compensation law and shall  
14 include provision for notice to all providers of health services of the  
15 provisions of this section and regulations promulgated thereunder at  
16 least ninety days in advance of the effective date of such regulations]  
17 As used in this section, "health services" means services, supplies,  
18 therapies, or other treatments as specified in subparagraph (i), (ii),  
19 or (iv) of paragraph one of subsection (a) of section five thousand one  
20 hundred two of this article.

21 (b) [The commissioner of health and the commissioner of education  
22 shall provide a list of the names of all providers of health services  
23 who the commissioner of health and the commissioner of education shall  
24 deem, after reasonable investigation, not authorized to demand or  
25 request any payment for medical services in connection with any claim  
26 under this article because such] The superintendent may prohibit a  
27 provider of health services from demanding or requesting payment for  
28 health services rendered under this article, for a period specified by

1 the superintendent, if the superintendent determines, after notice and  
2 hearing, that the provider of health services:

3 (1) has admitted to, or been found guilty of, professional [or other]  
4 misconduct [or incompetency], as defined in the education law, in  
5 connection with [medical] health services rendered under this article;  
6 [or]

7 (2) [has exceeded the limits of his or her professional competence in  
8 rendering medical care under this article or] has knowingly made a false  
9 statement or representation as to a material fact in any medical report  
10 made, or document submitted, in connection with any claim under this  
11 article; or

12 (3) solicited, or [has] employed another person to solicit for  
13 [himself or herself] the provider of health services or [for] another  
14 individual or entity, professional treatment, examination or care of [an  
15 injured] a person in connection with any claim under this article; [or]

16 (4) [has] refused to appear before, or [to] answer any question upon  
17 request of, the [commissioner of health, the] superintendent[, ] or any  
18 duly authorized officer of [the] this state, [any legal question,] or  
19 refused to produce any relevant information concerning [his or her] the  
20 conduct of the provider of health services in connection with [rendering  
21 medical] health services rendered under this article; [or]

22 (5) [has] engaged in [patterns] a pattern of billing for:

23 (A) health services [which] alleged to have been rendered under this  
24 article, when the health services were not [provided.] rendered; or

25 (B) unnecessary health services;

26 (6) utilized unlicensed persons to render health services under this  
27 article, when only a person licensed in this state may render the health  
28 services;

1 (7) utilized licensed persons to render health services, when render-  
2 ing the health services is beyond the authorized scope of the person's  
3 license;

4 (8) directly or indirectly ceded ownership or control of a business  
5 entity authorized to provide professional health services in this state,  
6 including a professional service corporation, professional limited  
7 liability company, or registered limited liability partnership, to a  
8 person not licensed to render the health services which the entity is  
9 legally authorized to provide, except where the unlicensed person's  
10 ownership or control is otherwise permitted by law;

11 (9) has been convicted of or pled guilty to any crime or violation of  
12 the penal law in connection with health services rendered under this  
13 article;

14 (10) has been convicted of a crime involving fraudulent or dishonest  
15 practices; or

16 (11) violated any provision of this article or regulations promulgated  
17 thereunder.

18 (c) [Providers] A provider of health services shall [refrain from  
19 subsequently treating for remuneration, as a private patient, any person  
20 seeking medical treatment] not demand or request payment from the  
21 patient, any insurer, or any other person for any health services under  
22 this article [if such provider pursuant to this section has been prohib-  
23 ited from demanding or requesting any payment for medical services under  
24 this article. An injured claimant so treated or examined may raise this  
25 as] that are rendered during the term of the prohibition ordered by the  
26 superintendent pursuant to subsection (b) of this section. The prohibi-  
27 tion ordered by the superintendent may be a defense in any action by  
28 [such] the provider of health services for payment for [treatment

1 rendered at any time after such provider has been prohibited from  
2 demanding or requesting payment for medical services in connection with  
3 any claim under this article] such health services.

4 (d) The [commissioner of health and the commissioner of education]  
5 superintendent shall maintain [and regularly update] a database contain-  
6 ing a list of providers of health services prohibited by this section  
7 from demanding or requesting any payment for health services [connected  
8 to a claim] rendered under this article and shall make [such] the infor-  
9 mation available to the public [by means of a website and by a toll free  
10 number].

11 (e) The superintendent may levy a civil penalty not exceeding ten  
12 thousand dollars for each offense on any provider of health services  
13 that the superintendent prohibits from demanding or requesting payment  
14 for health services pursuant to subsection (b) of this section. Any  
15 civil penalty imposed for a fraudulent insurance act as defined in  
16 section 176.05 of the penal law shall be levied pursuant to article four  
17 of this chapter.

18 (f) Nothing in this section shall be construed as limiting in any  
19 respect the powers and duties of the commissioner of health, commission-  
20 er of education or the superintendent to investigate instances of  
21 misconduct by a [health care] provider [and, after a hearing and upon  
22 written notice to the provider, to temporarily prohibit a provider of  
23 health services under such investigation from demanding or requesting  
24 any payment for medical services under this article for up to ninety  
25 days from the date of such notice] of health services and take appropri-  
26 ate action pursuant to any other provision of law. A determination of  
27 the superintendent pursuant to subsection (b) of this section shall not

1 be binding upon the commissioner of health or commissioner of education  
2 in a professional discipline proceeding relating to the same conduct.

3 § 3. Paragraph 1 of subsection (a) of section 308 of the insurance  
4 law, as amended by chapter 499 of the laws of 2009, is amended to read  
5 as follows:

6 (1) The superintendent may also address to any health maintenance  
7 organization, life settlement provider, life settlement intermediary or  
8 its officers, any provider of health services who demands or requests  
9 payment for health services rendered under article fifty-one of this  
10 chapter, or any authorized insurer or rate service organization, or  
11 officers thereof, any inquiry in relation to its transactions or condi-  
12 tion or any matter connected therewith. Every corporation or person so  
13 addressed shall reply in writing to such inquiry promptly and truthful-  
14 ly, and such reply shall be, if required by the superintendent,  
15 subscribed by such individual, or by such officer or officers of a  
16 corporation, as the superintendent shall designate, and affirmed by them  
17 as true under the penalties of perjury.

18 § 4. The insurance law is amended by adding a new section 5110 to read  
19 as follows:

20 § 5110. Examinations of providers of health services; when authorized  
21 or required. (a) The superintendent may make an examination, including  
22 an audit or unannounced inspection, into the affairs of any provider of  
23 health services that demands or requests payment for health services  
24 rendered under this article as often as the superintendent deems it  
25 expedient for the protection of the interests of the people of this  
26 state. As used in this section, "health services" means services,  
27 supplies, therapies, or other treatments as specified in subparagraph



1 (i), (ii), or (iv) of paragraph one of subsection (a) of section five  
2 thousand one hundred two of this article.

3 (b)(1) Whenever the superintendent shall determine to examine the  
4 affairs of any provider of health services, the superintendent shall  
5 make an order indicating the scope of the examination and may appoint as  
6 examiners one or more persons not employed by any provider of health  
7 services or insurer or interested in any provider of health services or  
8 insurer, except as a policyholder. A copy of such order shall upon  
9 demand be exhibited to the provider of health services whose affairs are  
10 to be examined before the examination begins.

11 (2) Any examiner authorized by the superintendent shall be given  
12 convenient access at all reasonable hours to the books, records, files,  
13 securities and other documents of such provider of health services that  
14 are relevant to the examination, and shall have power to administer  
15 oaths and to examine under oath any officer or agent of such provider of  
16 health services, and any other person having custody or control of such  
17 documents, regarding any matter relevant to the examination.

18 (3) The officers and agents of such provider of health services shall  
19 facilitate such examination and aid such examiners in conducting the  
20 same so far as it is in their power to do so.

21 (4) The refusal of any provider of health services to submit to exam-  
22 ination shall be grounds for the superintendent prohibiting the provider  
23 of health services from demanding or requesting payment for health  
24 services rendered under this article pursuant to section five thousand  
25 one hundred nine of this article.

26 (5) An examination shall be conducted consistent with all applicable  
27 state and federal privacy laws.

1 (6) This section shall not apply to a general hospital, as defined in  
2 subdivision ten of section two thousand eight hundred one of the public  
3 health law, or a provider of health services that submitted less than  
4 fifty claims in the prior calendar year for health services rendered  
5 under this article.

6 § 5. This act shall take effect immediately; provided, however, that  
7 sections one and two of this act shall take effect on the sixtieth day  
8 after it shall have become a law.

9 PART U

10 Section 1. Paragraphs 11, 12, 13, 14, 16 and 17 of subsection (a) of  
11 section 3217-a of the insurance law, as added by chapter 705 of the laws  
12 of 1996, are amended and four new paragraphs 16-a, 18, 19 and 20 are  
13 added to read as follows:

14 (11) where applicable, notice that an insured enrolled in a managed  
15 care product or in a comprehensive policy that utilizes a network of  
16 providers offered by the insurer may obtain a referral [to] or preau-  
17 thorization for a health care provider outside of the insurer's network  
18 or panel when the insurer does not have a health care provider [with]  
19 who is geographically accessible to the insured and who has the appro-  
20 priate essential level of training and experience in the network or  
21 panel to meet the particular health care needs of the insured and the  
22 procedure by which the insured can obtain such referral or preauthori-  
23 zation;

24 (12) where applicable, notice that an insured enrolled in a managed  
25 care product or a comprehensive policy that utilizes a network of  
26 providers offered by the insurer with a condition which requires ongoing

1 care from a specialist may request a standing referral to such a  
2 specialist and the procedure for requesting and obtaining such a stand-  
3 ing referral;

4 (13) where applicable, notice that an insured enrolled in a managed  
5 care product or a comprehensive policy that utilizes a network of  
6 providers offered by the insurer with [(i)] (A) a life-threatening  
7 condition or disease, or [(ii)] (B) a degenerative and disabling condi-  
8 tion or disease, either of which requires specialized medical care over  
9 a prolonged period of time may request a specialist responsible for  
10 providing or coordinating the insured's medical care and the procedure  
11 for requesting and obtaining such a specialist;

12 (14) where applicable, notice that an insured enrolled in a managed  
13 care product or a comprehensive policy that utilizes a network of  
14 providers offered by the insurer with [(i)] (A) a life-threatening  
15 condition or disease, or [(ii)] (B) a degenerative and disabling condi-  
16 tion or disease, either of which requires specialized medical care over  
17 a prolonged period of time, may request access to a specialty care  
18 center and the procedure by which such access may be obtained;

19 (16) notice of all appropriate mailing addresses and telephone numbers  
20 to be utilized by insureds seeking information or authorization; [and]

21 (16-a) where applicable, notice that an insured shall have direct  
22 access to primary and preventive obstetric and gynecologic services,  
23 including annual examinations, care resulting from such annual examina-  
24 tions, and treatment of acute gynecologic conditions, from a qualified  
25 provider of such services of her choice from within the plan or for any  
26 care related to a pregnancy;

27 (17) where applicable, a listing by specialty, which may be in a sepa-  
28 rate document that is updated annually, of the name, address, and tele-

1 phone number of all participating providers, including facilities, and  
2 in addition, in the case of physicians, board certification[.],  
3 languages spoken and any affiliations with participating hospitals. The  
4 listing shall also be posted on the insurer's website and the insurer  
5 shall update the website within fifteen days of the addition or termi-  
6 nation of a provider from the insurer's network or a change in a physi-  
7 cian's hospital affiliation;

8 (18) a description of the method by which an insured may submit a  
9 claim for health care services;

10 (19) where applicable, with respect to out-of-network coverage:

11 (A) a clear description of the methodology used by the insurer to  
12 determine reimbursement for out-of-network health care services;

13 (B) a description of the amount that the insurer will reimburse under  
14 the methodology for out-of-network health care services set forth as a  
15 percentage of the usual and customary cost for out-of-network health  
16 care services; and

17 (C) examples of anticipated out-of-pocket costs for frequently billed  
18 out-of-network health care services; and

19 (20) information in writing and through an internet website that  
20 reasonably permits an insured or prospective insured to determine the  
21 anticipated out-of-pocket cost for out-of-network health care services  
22 in a geographical area or zip code based upon the difference between  
23 what the insurer will reimburse for out-of-network health care services  
24 and the usual and customary cost for out-of-network health care  
25 services.

26 § 2. Paragraphs 11 and 12 of subsection (b) of section 3217-a of the  
27 insurance law, as added by chapter 705 of the laws of 1996, are amended  
28 and two new paragraphs 13 and 14 are added to read as follows:

1 (11) where applicable, provide the written application procedures and  
2 minimum qualification requirements for health care providers to be  
3 considered by the insurer for participation in the insurer's network for  
4 a managed care product; [and]

5 (12) disclose such other information as required by the superinten-  
6 dent, provided that such requirements are promulgated pursuant to the  
7 state administrative procedure act[.];

8 (13) disclose whether a health care provider scheduled to provide a  
9 health care service is an in-network provider; and

10 (14) where applicable, with respect to out-of-network coverage,  
11 disclose the dollar amount that the insurer will pay for a specific  
12 out-of-network health care service.

13 § 3. Section 3217-a of the insurance law is amended by adding a new  
14 subsection (f) to read as follows:

15 (f) For purposes of this section, "usual and customary cost" shall  
16 mean the eightieth percentile of all charges for the particular health  
17 care service performed by a provider in the same or similar specialty  
18 and provided in the same geographical area as reported in a benchmarking  
19 database maintained by a nonprofit organization specified by the super-  
20 intendent. The nonprofit organization shall not be affiliated with an  
21 insurer, a corporation subject to article forty-three of this chapter, a  
22 municipal cooperative health benefit plan certified pursuant to article  
23 forty-seven of this chapter, or a health maintenance organization certi-  
24 fied pursuant to article forty-four of the public health law.

25 § 4. Section 3217-d of the insurance law is amended by adding a new  
26 subsection (d) to read as follows:

27 (d) An insurer that issues a comprehensive policy that utilizes a  
28 network of providers and is not a managed care health insurance contract

1 as defined in subsection (c) of section four thousand eight hundred one  
2 of this chapter, shall provide access to out-of-network services  
3 consistent with the requirements of subsection (a) of section four thou-  
4 sand eight hundred four of this chapter, subsections (g-6) and (g-7) of  
5 section four thousand nine hundred of this chapter, subsections (a-1)  
6 and (a-2) of section four thousand nine hundred four of this chapter,  
7 paragraphs three and four of subsection (b) of section four thousand  
8 nine hundred ten of this chapter, and subparagraphs (C) and (D) of para-  
9 graph four of subsection (b) of section four thousand nine hundred four-  
10 teen of this chapter.

11 § 5. Section 3224-a of the insurance law is amended by adding a new  
12 subsection (j) to read as follows:

13 (j) An insurer or an organization or corporation licensed or certified  
14 pursuant to article forty-three or forty-seven of this chapter or arti-  
15 cle forty-four of the public health law or a student health plan estab-  
16 lished or maintained pursuant to section one thousand one hundred twen-  
17 ty-four of this chapter shall accept claims submitted by a policyholder  
18 or covered person, in writing, including through the internet, by elec-  
19 tronic mail or by facsimile.

20 § 6. The insurance law is amended by adding a new section 3241 to read  
21 as follows:

22 § 3241. Network coverage. (a) An insurer, a corporation organized  
23 pursuant to article forty-three of this chapter, a municipal cooperative  
24 health benefit plan certified pursuant to article forty-seven of this  
25 chapter, or a student health plan established or maintained pursuant to  
26 section one thousand one hundred twenty-four of this chapter, that  
27 issues a health insurance policy or contract with a network of health  
28 care providers shall ensure that the network is adequate to meet the

1 health needs of insureds and provide an appropriate choice of providers  
2 sufficient to render the services covered under the policy or contract.  
3 The superintendent shall review the network of health care providers for  
4 adequacy at the time of the superintendent's initial approval of a  
5 health insurance policy or contract; at least every three years there-  
6 after; and upon application for expansion of any service area associated  
7 with the policy or contract in conformance with the standards set forth  
8 in subdivision five of section four thousand four hundred three of the  
9 public health law. To the extent that the network has been determined  
10 by the commissioner of health to meet the standards set forth in subdi-  
11 vision five of section four thousand four hundred three of the public  
12 health law, such network shall be deemed adequate by the superintendent.

13 (b)(1) An insurer, a corporation organized pursuant to article forty-  
14 three of this chapter, a municipal cooperative health benefit plan  
15 certified pursuant to article forty-seven of this chapter, a health  
16 maintenance organization certified pursuant to article forty-four of the  
17 public health law or a student health plan established or maintained  
18 pursuant to section one thousand one hundred twenty-four of this chap-  
19 ter, that issues a comprehensive group or group remittance health insur-  
20 ance policy or contract that covers out-of-network health care services  
21 shall make available and, if requested by the policyholder or contract-  
22 holder, provide coverage for at least seventy percent of the usual and  
23 customary cost of each out-of-network health care service after imposi-  
24 tion of a deductible or any permissible benefit maximum.

25 (2) For the purposes of this subsection, "usual and customary cost"  
26 shall mean the eightieth percentile of all charges for the particular  
27 health care service performed by a provider in the same or similar  
28 specialty and provided in the same geographical area as reported in a

1 benchmarking database maintained by a nonprofit organization specified  
2 by the superintendent. The nonprofit organization shall not be affil-  
3 iated with an insurer, a corporation subject to article forty-three of  
4 this chapter, a municipal cooperative health benefit plan certified  
5 pursuant to article forty-seven of this chapter, a health maintenance  
6 organization certified pursuant to article forty-four of the public  
7 health law or a student health plan established or maintained pursuant  
8 to section one thousand one hundred twenty-four of this chapter.

9 (3) This subsection shall not apply to emergency care services in  
10 hospital facilities or prehospital emergency medical services as defined  
11 in clause (i) of subparagraph (E) of paragraph twenty-four of subsection  
12 (i) of section three thousand two hundred sixteen of this article, or  
13 clause (i) of subparagraph (E) of paragraph fifteen of subsection (1) of  
14 section three thousand two hundred twenty-one of this chapter, or  
15 subparagraph (A) of paragraph five of subsection (aa) of section four  
16 thousand three hundred three of this chapter.

17 (4) Nothing in this subsection shall limit the superintendent's  
18 authority pursuant to section three thousand two hundred seventeen of  
19 this article to establish minimum standards for the form, content and  
20 sale of accident and health insurance policies and subscriber contracts,  
21 to require additional coverage options for out-of-network services, or  
22 to provide for standardization and simplification of coverage.

23 (c) When an insured or enrollee under a contract or policy that  
24 provides coverage for emergency services receives the services from a  
25 health care provider that does not participate in the provider network  
26 of an insurer, a corporation organized pursuant to article forty-three  
27 of this chapter, a municipal cooperative health benefit plan certified  
28 pursuant to article forty-seven of this chapter, a health maintenance



1 organization certified pursuant to article forty-four of the public  
2 health law, or a student health plan established or maintained pursuant  
3 to section one thousand one hundred twenty-four of this chapter ("health  
4 care plan"), the health care plan shall ensure that the insured or  
5 enrollee shall incur no greater out-of-pocket costs for the emergency  
6 services than the insured or enrollee would have incurred with a health  
7 care provider that participates in the health care plan's provider  
8 network. For the purpose of this section, "emergency services" shall  
9 have the meaning set forth in subparagraph (D) of paragraph nine of  
10 subsection (i) of section three thousand two hundred sixteen of this  
11 article, subparagraph (D) of paragraph four of subsection (k) of section  
12 three thousand two hundred twenty-one of this article, and subparagraph  
13 (D) of paragraph two of subsection (a) of section four thousand three  
14 hundred three of this chapter.

15 § 7. Section 4306-c of the insurance law is amended by adding a new  
16 subsection (d) to read as follows:

17 (d) A corporation, including a municipal cooperative health benefit  
18 plan certified pursuant to article forty-seven of this chapter and a  
19 student health plan established or maintained pursuant to section one  
20 thousand one hundred twenty-four of this chapter, that issues a compre-  
21 hensive policy that utilizes a network of providers and is not a managed  
22 care health insurance contract as defined in subsection (c) of section  
23 four thousand eight hundred one of this chapter, shall provide access to  
24 out-of-network services consistent with the requirements of subsection  
25 (a) of section four thousand eight hundred four of this chapter,  
26 subsections (g-6) and (g-7) of section four thousand nine hundred of  
27 this chapter, subsections (a-1) and (a-2) of section four thousand nine  
28 hundred four of this chapter, paragraphs three and four of subsection

1 (b) of section four thousand nine hundred ten of this chapter, and  
2 subparagraphs (C) and (D) of paragraph four of subsection (b) of section  
3 four thousand nine hundred fourteen of this chapter.

4 § 8. Paragraphs 11, 12, 13, 14, 16-a, 17, and 18 of subsection (a) of  
5 section 4324 of the insurance law, paragraphs 11, 12, 13, 14, 17 and 18  
6 as added by chapter 705 of the laws of 1996, paragraph 16-a as added by  
7 chapter 554 of the laws of 2002, are amended and three new paragraphs  
8 19, 20 and 21 are added to read as follows:

9 (11) where applicable, notice that a subscriber enrolled in a managed  
10 care product or in a comprehensive contract that utilizes a network of  
11 providers offered by the corporation may obtain a referral [to] or  
12 preauthorization for a health care provider outside of the corporation's  
13 network or panel when the corporation does not have a health care  
14 provider [with] who is geographically accessible to the insured and who  
15 has the appropriate essential level of training and experience in the  
16 network or panel to meet the particular health care needs of the  
17 subscriber and the procedure by which the subscriber can obtain such  
18 referral or preauthorization;

19 (12) where applicable, notice that a subscriber enrolled in a managed  
20 care product or a comprehensive contract that utilizes a network of  
21 providers offered by the corporation with a condition which requires  
22 ongoing care from a specialist may request a standing referral to such a  
23 specialist and the procedure for requesting and obtaining such a stand-  
24 ing referral;

25 (13) where applicable, notice that a subscriber enrolled in a managed  
26 care product or a comprehensive contract that utilizes a network of  
27 providers offered by the corporation with (i) a life-threatening condi-  
28 tion or disease, or (ii) a degenerative and disabling condition or

1 disease, either of which requires specialized medical care over a  
2 prolonged period of time may request a specialist responsible for  
3 providing or coordinating the subscriber's medical care and the proce-  
4 dure for requesting and obtaining such a specialist;

5 (14) where applicable, notice that a subscriber enrolled in a managed  
6 care product or a comprehensive contract that utilizes a network of  
7 providers offered by the corporation with [(i)] (A) a life-threatening  
8 condition or disease, or [(ii)] (B) a degenerative and disabling condi-  
9 tion or disease, either of which requires specialized medical care over  
10 a prolonged period of time may request access to a specialty care center  
11 and the procedure by which such access may be obtained;

12 (16-a) where applicable, notice that an enrollee shall have direct  
13 access to primary and preventive obstetric and gynecologic services,  
14 including annual examinations, care resulting from such annual examina-  
15 tions, and treatment of acute gynecologic conditions, from a qualified  
16 provider of such services of her choice from within the plan [for no  
17 fewer than two examinations annually for such services] or [to] for any  
18 care related to a pregnancy [and that additionally, the enrollee shall  
19 have direct access to primary and preventive obstetric and gynecologic  
20 services required as a result of such annual examinations or as a result  
21 of an acute gynecologic condition];

22 (17) where applicable, a listing by specialty, which may be in a sepa-  
23 rate document that is updated annually, of the name, address, and tele-  
24 phone number of all participating providers, including facilities, and  
25 in addition, in the case of physicians, board certification[; and],  
26 languages spoken and any affiliations with participating hospitals. The  
27 listing shall also be posted on the corporation's website and the corpo-  
28 ration shall update the website within fifteen days of the addition or

1 termination of a provider from the corporation's network or a change in  
2 a physician's hospital affiliation;

3 (18) a description of the mechanisms by which subscribers may partic-  
4 ipate in the development of the policies of the corporation[.];

5 (19) a description of the method by which a subscriber may submit a  
6 claim for health care services;

7 (20) where applicable, with respect to out-of-network coverage:

8 (A) a clear description of the methodology used by the corporation to  
9 determine reimbursement for out-of-network health care services;

10 (B) a description of the amount that the corporation will reimburse  
11 under the methodology for out-of-network health care services set forth  
12 as a percentage of the usual and customary cost for out-of-network  
13 health care services; and

14 (C) examples of anticipated out-of-pocket costs for frequently billed  
15 out-of-network health care services; and

16 (21) information in writing and through an internet website that  
17 reasonably permits a subscriber or prospective subscriber to determine  
18 the anticipated out-of-pocket cost for out-of-network health care  
19 services in a geographical area or zip code based upon the difference  
20 between what the corporation will reimburse for out-of-network health  
21 care services and the usual and customary cost for out-of-network health  
22 care services.

23 § 9. Paragraphs 11 and 12 of subsection (b) of section 4324 of the  
24 insurance law, as added by chapter 705 of the laws of 1996, are amended  
25 and two new paragraphs 13 and 14 are added to read as follows:

26 (11) where applicable, provide the written application procedures and  
27 minimum qualification requirements for health care providers to be

1 considered by the corporation for participation in the corporation's  
2 network for a managed care product; [and]

3 (12) disclose such other information as required by the superinten-  
4 dent, provided that such requirements are promulgated pursuant to the  
5 state administrative procedure act[.];

6 (13) disclose whether a health care provider scheduled to provide a  
7 health care service is an in-network provider; and

8 (14) where applicable, with respect to out-of-network coverage,  
9 disclose the dollar amount that the corporation will pay for a specific  
10 out-of-network health care service.

11 § 10. Section 4324 of the insurance law is amended by adding a new  
12 subsection (f) to read as follows:

13 (f) For purposes of this section, "usual and customary cost" shall  
14 mean the eightieth percentile of all charges for the particular health  
15 care service performed by a provider in the same or similar specialty  
16 and provided in the same geographical area as reported in a benchmarking  
17 database maintained by a nonprofit organization specified by the super-  
18 intendent. The nonprofit organization shall not be affiliated with an  
19 insurer, a corporation subject to this article, a municipal cooperative  
20 health benefit plan certified pursuant to article forty-seven of this  
21 chapter, or a health maintenance organization certified pursuant to  
22 article forty-four of the public health law.

23 § 10-a. Subsection (a) of section 4804 of the insurance law, as added  
24 by chapter 705 of the laws of 1996, is amended to read as follows:

25 (a) If an insurer offering a managed care product determines that it  
26 does not have a health care provider in the in-network benefits portion  
27 of its network with appropriate training and experience to meet the  
28 particular health care needs of an insured, the insurer shall make a

1 referral to an appropriate provider, pursuant to a treatment plan  
2 approved by the insurer in consultation with the primary care provider,  
3 the non-participating provider and the insured or the insured's desig-  
4 nee, at no additional cost to the insured beyond what the insured would  
5 otherwise pay for services received within the network. Nothing in this  
6 subsection shall be construed to entitle an insured to a referral to the  
7 insured's preferred provider, where that provider is out-of-network.  
8 The provisions of this subsection shall only apply if there is no  
9 in-network provider geographically accessible to the insured who has the  
10 appropriate essential level of training and experience to meet the  
11 particular needs of the insured.

12 § 11. Subsection (g-7) of section 4900 of the insurance law is redes-  
13 igned subsection (g-8) and a new subsection (g-7) is added to read as  
14 follows:

15 (g-7) "Out-of-network referral denial" means a denial under a managed  
16 care product as defined in subsection (c) of section four thousand eight  
17 hundred one of this chapter of a request for an authorization or refer-  
18 ral to an out-of-network provider on the basis that the health care plan  
19 has a health care provider in the in-network benefits portion of its  
20 network with appropriate training and experience to meet the particular  
21 health care needs of an insured, and who is able to provide the  
22 requested health service. The notice of an out-of-network referral  
23 denial provided to an insured shall include information explaining what  
24 information the insured must submit in order to appeal the out-of-net-  
25 work referral denial pursuant to subsection (a-2) of section four thou-  
26 sand nine hundred four of this article. An out-of-network referral  
27 denial under this subsection does not constitute an adverse determi-  
28 nation as defined in this article. An out-of-network referral denial

1 shall not be construed to include an out-of-network denial as defined in  
2 subsection (g-6) of this section.

3 § 12. Subsection (b) of section 4903 of the insurance law, as amended  
4 by chapter 514 of the laws of 2013, is amended to read as follows:

5 (b) A utilization review agent shall make a utilization review deter-  
6 mination involving health care services which require pre-authorization  
7 and provide notice of a determination to the insured or insured's desig-  
8 nee and the insured's health care provider by telephone and in writing  
9 within three business days of receipt of the necessary information. To  
10 the extent practicable, such written notification to the enrollee's  
11 health care provider shall be transmitted electronically, in a manner  
12 and in a form agreed upon by the parties. The notification shall iden-  
13 tify: (1) whether the services are considered in-network or out-of-net-  
14 work; (2) whether the insured will be held harmless for the services and  
15 not be responsible for any payment, other than any applicable co-pay-  
16 ment, co-insurance or deductible; (3) as applicable, the dollar amount  
17 the health care plan will pay if the service is out-of-network; and (4)  
18 as applicable, information explaining how an insured may determine the  
19 anticipated out-of-pocket cost for out-of-network health care services  
20 in a geographical area or zip code based upon the difference between  
21 what the health care plan will reimburse for out-of-network health care  
22 services and the usual and customary cost for out-of-network health care  
23 services.

24 § 13. Section 4904 of the insurance law is amended by adding a new  
25 subsection (a-2) to read as follows:

26 (a-2) An insured or the insured's designee may appeal an out-of-net-  
27 work referral denial by a health care plan by submitting a written  
28 statement from the insured's attending physician, who must be a

1 licensed, board certified or board eligible physician qualified to prac-  
2 tice in the specialty area of practice appropriate to treat the insured  
3 for the health service sought, provided that: (1) the in-network health  
4 care provider or providers recommended by the health care plan do not  
5 have the appropriate training and experience to meet the particular  
6 health care needs of the insured for the health service; and (2) recom-  
7 mends an out-of-network provider with the appropriate training and expe-  
8 rience to meet the particular health care needs of the insured, and who  
9 is able to provide the requested health service.

10 § 14. Subsection (b) of section 4910 of the insurance law is amended  
11 by adding a new paragraph 4 to read as follows:

12 (4) (A) The insured has had an out-of-network referral denied on the  
13 grounds that the health care plan has a health care provider in the  
14 in-network benefits portion of its network with appropriate training and  
15 experience to meet the particular health care needs of an insured, and  
16 who is able to provide the requested health service.

17 (B) The insured's attending physician, who shall be a licensed, board  
18 certified or board eligible physician qualified to practice in the  
19 specialty area of practice appropriate to treat the insured for the  
20 health service sought, certifies that the in-network health care provid-  
21 er or providers recommended by the health care plan do not have the  
22 appropriate training and experience to meet the particular health care  
23 needs of an insured, and recommends an out-of-network provider with the  
24 appropriate training and experience to meet the particular health care  
25 needs of an insured, and who is able to provide the requested health  
26 service.

27 § 15. Paragraph 4 of subsection (b) of section 4914 of the insurance  
28 law is amended by adding a new subparagraph (D) to read as follows:



1 (D) For external appeals requested pursuant to paragraph four of  
2 subsection (b) of section four thousand nine hundred ten of this title  
3 relating to an out-of-network referral denial, the external appeal agent  
4 shall review the utilization review agent's final adverse determination  
5 and, in accordance with the provisions of this title, shall make a  
6 determination as to whether the out-of-network referral shall be covered  
7 by the health plan; provided that such determination shall:

8 (i) be conducted only by one or a greater odd number of clinical peer  
9 reviewers;

10 (ii) be accompanied by a written statement:

11 (I) that the out-of-network referral shall be covered by the health  
12 care plan either when the reviewer or a majority of the panel of review-  
13 ers determines, upon review of the training and experience of the  
14 in-network health care provider or providers proposed by the plan, the  
15 training and experience of the requested out-of-network provider, the  
16 clinical standards of the plan, the information provided concerning the  
17 insured, the attending physician's recommendation, the insured's medical  
18 record, and any other pertinent information, that the health plan does  
19 not have a provider with the appropriate training and experience to meet  
20 the particular health care needs of an insured who is able to provide  
21 the requested health service, and that the out-of-network provider has  
22 the appropriate training and experience to meet the particular health  
23 care needs of an insured, is able to provide the requested health  
24 service, and is likely to produce a more clinically beneficial outcome;  
25 or

26 (II) upholding the health plan's denial of coverage;

27 (iii) be subject to the terms and conditions generally applicable to  
28 benefits under the evidence of coverage under the health care plan;

1 (iv) be binding on the plan and the insured; and

2 (v) be admissible in any court proceeding.

3 § 16. The public health law is amended by adding a new section 23 to  
4 read as follows:

5 § 23. Claim forms. A physician shall include a claim form for a  
6 third-party payor with a patient bill for health care services, other  
7 than a bill for the patient's co-payment, coinsurance or deductible.

8 § 17. The public health law is amended by adding a new section 24 to  
9 read as follows:

10 § 24. Disclosure. 1. A health care professional shall disclose to  
11 patients or prospective patients in writing or through an internet  
12 website the health care plans in which the health care professional is a  
13 participating provider and the hospitals with which the health care  
14 professional is affiliated prior to the provision of non-emergency  
15 services and verbally at the time an appointment is scheduled.

16 2. If a health care professional does not participate in the network  
17 of a patient's or prospective patient's health care plan, the health  
18 care professional shall: (a) prior to the provision of non-emergency  
19 services, inform a patient or prospective patient that the amount or  
20 estimated amount the health care professional will bill the patient for  
21 health care services is available upon request; and (b) upon receipt of  
22 a request from a patient or prospective patient, disclose to the patient  
23 or prospective patient in writing the amount or estimated amount the  
24 health care professional will bill the patient or prospective patient  
25 for health care services provided or anticipated to be provided to the  
26 patient or prospective patient absent unforeseen medical circumstances  
27 that may arise when the health care services are provided.

1 3. A health care professional who is a physician shall provide a  
2 patient or prospective patient with the name, practice name, mailing  
3 address, and telephone number of any health care provider scheduled to  
4 perform anesthesiology, laboratory, pathology, radiology or assistant  
5 surgeon services in connection with care to be provided in the physi-  
6 cian's office for the patient or coordinated or referred by the physi-  
7 cian for the patient prior to the provision of services.

8 4. A health care professional who is a physician shall, for a  
9 patient's scheduled hospital admission or scheduled outpatient hospital  
10 services, provide a patient and the hospital with the name, practice  
11 name, mailing address and telephone number of any other physician whose  
12 services will be arranged by the physician and are scheduled at the time  
13 of the pre-admission testing, registration or admission prior to the  
14 provision of services; and information as to how to determine the  
15 healthcare plans in which the physician participates.

16 5. A hospital shall establish, update and make public through posting  
17 on the hospital's website, to the extent required by federal guidelines,  
18 a list of the hospital's standard charges for items and services  
19 provided by the hospital, including for diagnosis-related groups estab-  
20 lished under section 1886(d)(4) of the federal social security act.

21 6. A hospital shall post on the hospital's website: (a) the health  
22 care plans in which the hospital is a participating provider; (b) a  
23 statement that (i) physician services provided in the hospital are not  
24 included in the hospital's charges; (ii) physicians who provide services  
25 in the hospital may or may not participate with the same health care  
26 plans as the hospital, and; (iii) the prospective patient should check  
27 with the physician arranging for the hospital services to determine the  
28 health care plans in which the physician participates; (c) as applica-

1 ble, the name, mailing address and telephone number of the physician  
2 groups that the hospital has contracted with to provide services includ-  
3 ing anesthesiology, pathology or radiology, and instructions how to  
4 contact these groups to determine the health care plan participation of  
5 the physicians in these groups; and (d) as applicable, the name, mailing  
6 address, and telephone number of physicians employed by the hospital and  
7 whose services may be provided at the hospital, and the health care  
8 plans in which they participate.

9 7. In registration or admission materials provided in advance of non-  
10 emergency hospital services, a hospital shall: (a) advise the patient or  
11 prospective patient to check with the physician arranging the hospital  
12 services to determine: (i) the name, practice name, mailing address and  
13 telephone number of any other physician whose services will be arranged  
14 by the physician; and (ii) whether the services of physicians who are  
15 employed or contracted by the hospital to provide services including  
16 anesthesiology, pathology and/or radiology are reasonably anticipated to  
17 be provided to the patient; and (b) provide patients or prospective  
18 patients with information as to how to timely determine the health care  
19 plans participated in by physicians who are reasonably anticipated to  
20 provide services to the patient at the hospital, as determined by the  
21 physician arranging the patient's hospital services, and who are employ-  
22 ees of the hospital or contracted by the hospital to provide services  
23 including anesthesiology, radiology and/or pathology.

24 8. For purposes of this subdivision:

25 (a) "Health care plan" means a health insurer including an insurer  
26 licensed to write accident and health insurance subject to article thir-  
27 ty-two of the insurance law; a corporation organized pursuant to article  
28 forty-three of the insurance law; a municipal cooperative health benefit

1 plan certified pursuant to article forty-seven of the insurance law; a  
2 health maintenance organization certified pursuant to article forty-four  
3 of this chapter; a student health plan established or maintained pursu-  
4 ant to section one thousand one hundred twenty-four of the insurance law  
5 or a self-funded employee welfare benefit plan.

6 (b) "Health care professional" means an appropriately licensed, regis-  
7 tered or certified health care professional pursuant to title eight of  
8 the education law.

9 § 17-a. Paragraph (a) of subdivision 6 of section 4403 of the public  
10 health law, as added by chapter 705 of the laws of 1996, is amended to  
11 read as follows:

12 (a) If a health maintenance organization determines that it does not  
13 have a health care provider with appropriate training and experience in  
14 its panel or network to meet the particular health care needs of an  
15 enrollee, the health maintenance organization shall make a referral to  
16 an appropriate provider, pursuant to a treatment plan approved by the  
17 health maintenance organization in consultation with the primary care  
18 provider, the non-participating provider and the enrollee or enrollee's  
19 designee, at no additional cost to the enrollee beyond what the enrollee  
20 would otherwise pay for services received within the network. Nothing in  
21 this paragraph shall be construed to entitle an enrollee to a referral  
22 to the enrollee's preferred provider, where that provider is out-of-net-  
23 work. The provisions of this paragraph shall only apply if there is no  
24 in-network provider geographically accessible to the enrollee who has  
25 the appropriate essential level of training and experience to meet the  
26 particular needs of the enrollee.

27 § 18. Paragraphs (k), (p-1), (q) and (r) of subdivision 1 of section  
28 4408 of the public health law, paragraphs (k), (q) and (r) as added by

1 chapter 705 of the laws of 1996, and paragraph (p-1) as added by chapter  
2 554 of the laws of 2002, are amended and three new paragraphs (s), (t)  
3 and (u) are added to read as follows:

4 (k) notice that an enrollee may obtain a referral to a health care  
5 provider outside of the health maintenance organization's network or  
6 panel when the health maintenance organization does not have a health  
7 care provider [with] who is geographically accessible to the enrollee  
8 and who has appropriate essential level of training and experience in  
9 the network or panel to meet the particular health care needs of the  
10 enrollee and the procedure by which the enrollee can obtain such refer-  
11 ral;

12 (p-1) notice that an enrollee shall have direct access to primary and  
13 preventive obstetric and gynecologic services, including annual examina-  
14 tions, care resulting from such annual examinations, and treatment of  
15 acute gynecologic conditions, from a qualified provider of such services  
16 of her choice from within the plan [for no fewer than two examinations  
17 annually for such services] or [to] for any care related to a pregnancy  
18 [and that additionally, the enrollee shall have direct access to primary  
19 and preventive obstetric and gynecologic services required as a result  
20 of such annual examinations or as a result of an acute gynecologic  
21 condition];

22 (q) notice of all appropriate mailing addresses and telephone numbers  
23 to be utilized by enrollees seeking information or authorization; [and]

24 (r) a listing by specialty, which may be in a separate document that  
25 is updated annually, of the name, address and telephone number of all  
26 participating providers, including facilities, and, in addition, in the  
27 case of physicians, board certification[.], languages spoken and any  
28 affiliations with participating hospitals. The listing shall also be

1 posted on the health maintenance organization's website and the health  
2 maintenance organization shall update the website within fifteen days of  
3 the addition or termination of a provider from the health maintenance  
4 organization's network or a change in a physician's hospital affil-  
5 iation;

6 (s) where applicable, a description of the method by which an enrollee  
7 may submit a claim for health care services;

8 (t) where applicable, with respect to out-of-network coverage:

9 (i) a clear description of the methodology used by the health mainte-  
10 nance organization to determine reimbursement for out-of-network health  
11 care services;

12 (ii) a description of the amount that the health maintenance organiza-  
13 tion will reimburse under the methodology for out-of-network health care  
14 services set forth as a percentage of the usual and customary cost for  
15 out-of-network health care services;

16 (iii) examples of anticipated out-of-pocket costs for frequently  
17 billed out-of-network health care services; and

18 (u) information in writing and through an internet website that  
19 reasonably permits an enrollee or prospective enrollee to determine the  
20 anticipated out-of-pocket cost for out-of-network health care services  
21 in a geographical area or zip code based upon the difference between  
22 what the health maintenance organization will reimburse for out-of-net-  
23 work health care services and the usual and customary cost for out-of-  
24 network health care services.

25 § 19. Paragraphs (k) and (l) of subdivision 2 of section 4408 of the  
26 public health law, as added by chapter 705 of the laws of 1996, are  
27 amended and two new paragraphs (m) and (n) are added to read as follows:

1 (k) provide the written application procedures and minimum qualifica-  
2 tion requirements for health care providers to be considered by the  
3 health maintenance organization; [and]

4 (1) disclose other information as required by the commissioner,  
5 provided that such requirements are promulgated pursuant to the state  
6 administrative procedure act[.];

7 (m) disclose whether a health care provider scheduled to provide a  
8 health care service is an in-network provider; and

9 (n) where applicable, with respect to out-of-network coverage,  
10 disclose the dollar amount that the health maintenance organization will  
11 pay for a specific out-of-network health care service.

12 § 20. Section 4408 of the public health law is amended by adding a new  
13 subdivision 7 to read as follows:

14 7. For purposes of this section, "usual and customary cost" shall  
15 mean the eightieth percentile of all charges for the particular health  
16 care service performed by a provider in the same or similar specialty  
17 and provided in the same geographical area as reported in a benchmarking  
18 database maintained by a nonprofit organization specified by the super-  
19 intendent of financial services. The nonprofit organization shall not be  
20 affiliated with an insurer, a corporation subject to article forty-three  
21 of the insurance law, a municipal cooperative health benefit plan certi-  
22 fied pursuant to article forty-seven of the insurance law, or a health  
23 maintenance organization certified pursuant to this article.

24 § 21. Subdivision 7-g of section 4900 of the public health law is  
25 renumbered subdivision 7-h and a new subdivision 7-g is added to read as  
26 follows:

27 7-g. "Out-of-network referral denial" means a denial of a request for  
28 an authorization or referral to an out-of-network provider on the basis



1 that the health care plan has a health care provider in the in-network  
2 benefits portion of its network with appropriate training and experience  
3 to meet the particular health care needs of an enrollee, and who is able  
4 to provide the requested health service. The notice of an out-of-network  
5 referral denial provided to an enrollee shall include information  
6 explaining what information the enrollee must submit in order to appeal  
7 the out-of-network referral denial pursuant to subdivision one-b of  
8 section four thousand nine hundred four of this article. An out-of-net-  
9 work referral denial under this subdivision does not constitute an  
10 adverse determination as defined in this article. An out-of-network  
11 referral denial shall not be construed to include an out-of-network  
12 denial as defined in subdivision seven-f of this section.

13 § 22. Subdivision 2 of section 4903 of the public health law, as  
14 amended by chapter 514 of the laws of 2013, is amended to read as  
15 follows:

16 2. A utilization review agent shall make a utilization review determi-  
17 nation involving health care services which require pre-authorization  
18 and provide notice of a determination to the enrollee or enrollee's  
19 designee and the enrollee's health care provider by telephone and in  
20 writing within three business days of receipt of the necessary informa-  
21 tion. To the extent practicable, such written notification to the  
22 enrollee's health care provider shall be transmitted electronically, in  
23 a manner and in a form agreed upon by the parties. The notification  
24 shall identify; (a) whether the services are considered in-network or  
25 out-of-network; (b) and whether the enrollee will be held harmless for  
26 the services and not be responsible for any payment, other than any  
27 applicable co-payment or co-insurance; (c) as applicable, the dollar  
28 amount the health care plan will pay if the service is out-of-network;

1 and (d) as applicable, information explaining how an enrollee may deter-  
2 mine the anticipated out-of-pocket cost for out-of-network health care  
3 services in a geographical area or zip code based upon the difference  
4 between what the health care plan will reimburse for out-of-network  
5 health care services and the usual and customary cost for out-of-network  
6 health care services.

7 § 23. Section 4904 of the public health law is amended by adding a new  
8 subdivision 1-b to read as follows:

9 1-b. An enrollee or the enrollee's designee may appeal a denial of an  
10 out-of-network referral by a health care plan by submitting a written  
11 statement from the enrollee's attending physician, who must be a  
12 licensed, board certified or board eligible physician qualified to prac-  
13 tice in the specialty area of practice appropriate to treat the enrollee  
14 for the health service sought, provided that: (a) the in-network health  
15 care provider or providers recommended by the health care plan do not  
16 have the appropriate training and experience to meet the particular  
17 health care needs of the enrollee for the health service; and (b) recom-  
18 mends an out-of-network provider with the appropriate training and expe-  
19 rience to meet the particular health care needs of the enrollee, and who  
20 is able to provide the requested health service.

21 § 24. Subdivision 2 of section 4910 of the public health law is  
22 amended by adding a new paragraph (d) to read as follows:

23 (d)(i) The enrollee has had an out-of-network referral denied on the  
24 grounds that the health care plan has a health care provider in the  
25 in-network benefits portion of its network with appropriate training and  
26 experience to meet the particular health care needs of an enrollee, and  
27 who is able to provide the requested health service.

1 (ii) The enrollee's attending physician, who shall be a licensed,  
2 board certified or board eligible physician qualified to practice in the  
3 specialty area of practice appropriate to treat the enrollee for the  
4 health service sought, certifies that the in-network health care provid-  
5 er or providers recommended by the health care plan do not have the  
6 appropriate training and experience to meet the particular health care  
7 needs of an enrollee, and recommends an out-of-network provider with the  
8 appropriate training and experience to meet the particular health care  
9 needs of an enrollee, and who is able to provide the requested health  
10 service.

11 § 25. Paragraph (d) of subdivision 2 of section 4914 of the public  
12 health law is amended by adding a new subparagraph (D) to read as  
13 follows:

14 (D) For external appeals requested pursuant to paragraph (d) of subdivi-  
15 vision two of section four thousand nine hundred ten of this title  
16 relating to an out-of-network referral denial, the external appeal agent  
17 shall review the utilization review agent's final adverse determination  
18 and, in accordance with the provisions of this title, shall make a  
19 determination as to whether the out-of-network referral shall be covered  
20 by the health plan; provided that such determination shall:

21 (i) be conducted only by one or a greater odd number of clinical peer  
22 reviewers;

23 (ii) be accompanied by a written statement:

24 (1) that the out-of-network referral shall be covered by the health  
25 care plan either when the reviewer or a majority of the panel of review-  
26 ers determines, upon review of the training and experience of the  
27 in-network health care provider or providers proposed by the plan, the  
28 training and experience of the requested out-of-network provider, the

1 clinical standards of the plan, the information provided concerning the  
2 enrollee, the attending physician's recommendation, the enrollee's  
3 medical record, and any other pertinent information, that the health  
4 plan does not have a provider with the appropriate training and experi-  
5 ence to meet the particular health care needs of an enrollee who is able  
6 to provide the requested health service, and that the out-of-network  
7 provider has the appropriate training and experience to meet the partic-  
8 ular health care needs of an enrollee, is able to provide the requested  
9 health service, and is likely to produce a more clinically beneficial  
10 outcome; or

11 (2) upholding the health plan's denial of coverage;

12 (iii) be subject to the terms and conditions generally applicable to  
13 benefits under the evidence of coverage under the health care plan;

14 (iv) be binding on the plan and the enrollee; and

15 (v) be admissible in any court proceeding.

16 § 26. The financial services law is amended by adding a new article 6  
17 to read as follows:

18 ARTICLE 6

19 EMERGENCY MEDICAL SERVICES AND SURPRISE BILLS

20 Section 601. Dispute resolution process established.

21 602. Applicability.

22 603. Definitions.

23 604. Criteria for determining a reasonable fee.

24 605. Dispute resolution for emergency services.

25 606. Hold harmless and assignment of benefits for surprise bills  
26 for insureds.

27 607. Dispute resolution for surprise bills.

28 608. Payment for independent dispute resolution entity.

1 § 601. Dispute resolution process established. The superintendent  
2 shall establish a dispute resolution process by which a dispute for a  
3 bill for emergency services or a surprise bill may be resolved. The  
4 superintendent shall have the power to grant and revoke certifications  
5 of independent dispute resolution entities to conduct the dispute resol-  
6 ution process. The superintendent shall promulgate regulations estab-  
7 lishing standards for the dispute resolution process, including a proc-  
8 ess for certifying and selecting independent dispute resolution  
9 entities.

10 § 602. Applicability. This article shall not apply to health care  
11 services, including emergency services, where physician fees are subject  
12 to schedules or other monetary limitations under any other law, includ-  
13 ing the workers' compensation law and article fifty-one of the insurance  
14 law, and shall not preempt any such law.

15 § 603. Definitions. For the purposes of this article:

16 (a) "Emergency condition" means a medical or behavioral condition that  
17 manifests itself by acute symptoms of sufficient severity, including  
18 severe pain, such that a prudent layperson, possessing an average know-  
19 ledge of medicine and health, could reasonably expect the absence of  
20 immediate medical attention to result in : (1) placing the health of the  
21 person afflicted with such condition in serious jeopardy, or in the case  
22 of a behavioral condition placing the health of such person or others in  
23 serious jeopardy; (2) serious impairment to such person's bodily func-  
24 tions; (3) serious dysfunction of any bodily organ or part of such  
25 person; (4) serious disfigurement of such person; or (5) a condition  
26 described in clause (i), (ii) or (iii) of section 1867(e)(1)(A) of the  
27 social security act 42 U.S.C. § 1395dd.

1 (b) "Emergency services" means, with respect to an emergency condi-  
2 tion: (1) a medical screening examination as required under section 1867  
3 of the social security act, 42 U.S.C. § 1395dd, which is within the  
4 capability of the emergency department of a hospital, including ancil-  
5 lary services routinely available to the emergency department to evalu-  
6 ate such emergency medical condition; and (2) within the capabilities of  
7 the staff and facilities available at the hospital, such further medical  
8 examination and treatment as are required under section 1867 of the  
9 social security act, 42 U.S.C. § 1395dd, to stabilize the patient.

10 (c) "Health care plan" means an insurer licensed to write accident and  
11 health insurance pursuant to article thirty-two of the insurance law; a  
12 corporation organized pursuant to article forty-three of the insurance  
13 law; a municipal cooperative health benefit plan certified pursuant to  
14 article forty-seven of the insurance law; a health maintenance organiza-  
15 tion certified pursuant to article forty-four of the public health law;  
16 or a student health plan established or maintained pursuant to section  
17 one thousand one hundred twenty-four of the insurance law.

18 (d) "Insured" means a patient covered under a health care plan's poli-  
19 cy or contract.

20 (e) "Non-participating" means not having a contract with a health care  
21 plan to provide health care services to an insured.

22 (f) "Participating" means having a contract with a health care plan to  
23 provide health care services to an insured.

24 (g) "Patient" means a person who receives health care services,  
25 including emergency services, in this state.

26 (h) "Surprise bill" means a bill for health care services, other than  
27 emergency services, received by:

1 (1) an insured for services rendered by a non-participating physician  
2 at a participating hospital or ambulatory surgical center, where a  
3 participating physician is unavailable at the time the health care  
4 services are rendered; provided, however, that a surprise bill shall not  
5 mean a bill received for health care services when a participating  
6 physician is available and the insured has elected to obtain services  
7 from a non-participating physician; or

8 (2) a patient who is not an insured for services rendered by a physi-  
9 cian at a hospital or ambulatory surgical center, where the patient has  
10 not timely received all of the disclosures required pursuant to section  
11 twenty-four of the public health law.

12 (i) "Usual and customary cost" means the eightieth percentile of all  
13 charges for the particular health care service performed by a provider  
14 in the same or similar specialty and provided in the same geographical  
15 area as reported in a benchmarking database maintained by a nonprofit  
16 organization specified by the superintendent. The nonprofit organization  
17 shall not be affiliated with an insurer, a corporation subject to arti-  
18 cle forty-three of the insurance law, a municipal cooperative health  
19 benefit plan certified pursuant to article forty-seven of the insurance  
20 law, or a health maintenance organization certified pursuant to article  
21 forty-four of the public health law.

22 § 604. Criteria for determining a reasonable fee. In determining the  
23 appropriate amount to pay for a health care service, an independent  
24 dispute resolution entity shall consider all relevant factors, includ-  
25 ing:

26 (a) whether there is a gross disparity between the fee charged by the  
27 physician for services rendered as compared to:

1 (1) fees paid to the involved physician for the same services rendered  
2 by the physician to other patients in health care plans in which the  
3 physician is not participating, and

4 (2) in the case of a dispute involving a health care plan, fees paid  
5 by the health care plan to reimburse similarly qualified physicians for  
6 the same services in the same region who are not participating with the  
7 health care plan;

8 (b) the level of training, education and experience of the physician;

9 (c) the physician's usual charge for comparable services with regard  
10 to patients in health care plans in which the physician is not partic-  
11 ipating;

12 (d) the circumstances and complexity of the particular case, including  
13 time and place of the service;

14 (e) individual patient characteristics; and

15 (f) the usual and customary cost of the service.

16 § 605. Dispute resolution for emergency services. (a) Emergency  
17 services for an insured. (1) When a health care plan receives a bill for  
18 emergency services from a non-participating physician, the health care  
19 plan shall pay an amount that it determines is reasonable for the emer-  
20 gency services rendered by the non-participating physician, in accord-  
21 ance with section three thousand two hundred twenty-four-a of the insur-  
22 ance law, except for the insured's co-payment, coinsurance or  
23 deductible, if any, and shall ensure that the insured shall incur no  
24 greater out-of-pocket costs for the emergency services than the insured  
25 would have incurred with a participating physician pursuant to  
26 subsection (c) of section three thousand two hundred forty-one of the  
27 insurance law.



1 (2) A non-participating physician or a health care plan may submit a  
2 dispute regarding a fee or payment for emergency services for review to  
3 an independent dispute resolution entity.

4 (3) In determining a reasonable fee for the services rendered, an  
5 independent dispute resolution entity shall select either the health  
6 care plan's payment or the non-participating physician's fee. The inde-  
7 pendent dispute resolution entity shall determine which amount to select  
8 based upon the conditions and factors set forth in section six hundred  
9 four of this article.

10 (b) Emergency services for a patient that is not an insured. (1) A  
11 patient that is not an insured or the patient's physician may submit a  
12 dispute regarding a fee for emergency services for review to an inde-  
13 pendent dispute resolution entity upon approval of the superintendent.

14 (2) An independent dispute resolution entity shall determine a reason-  
15 able fee for the services based upon the same conditions and factors set  
16 forth in section six hundred four of this article.

17 (3) A patient that is not an insured shall not be required to pay the  
18 physician's fee in order to be eligible to submit the dispute for review  
19 to an independent dispute resolution entity.

20 (c) The determination of an independent dispute resolution entity  
21 shall be binding on the health care plan, physician and patient, and  
22 shall be admissible in any court proceeding between the health care  
23 plan, physician or patient, or in any administrative proceeding between  
24 this state and the physician.

25 § 606. Hold harmless and assignment of benefits for surprise bills for  
26 insureds. When an insured assigns benefits for a surprise bill in writ-  
27 ing to a non-participating physician that knows the insured is insured  
28 under a health care plan, the non-participating physician shall not bill

1 the insured except for any applicable copayment, coinsurance or deduct-  
2 ible that would be owed if the insured utilized a participating physi-  
3 cian.

4 § 607. Dispute resolution for surprise bills. (a) Surprise bill  
5 received by an insured who assigns benefits. (1) If an insured assigns  
6 benefits to a non-participating physician, the health care plan shall  
7 pay the non-participating physician in accordance with paragraphs two  
8 and three of this subsection.

9 (2) The non-participating physician may bill the health care plan for  
10 the health care services rendered, and the health care plan shall pay  
11 the non-participating physician the billed amount or attempt to negoti-  
12 ate reimbursement with the non-participating physician.

13 (3) If the health care plan's attempts to negotiate reimbursement for  
14 health care services provided by a non-participating physician does not  
15 result in a resolution of the payment dispute between the non-partici-  
16 pating physician and the health care plan, the health care plan shall  
17 pay the non-participating physician an amount the health care plan  
18 determines is reasonable for the health care services rendered, except  
19 for the insured's copayment, coinsurance or deductible, in accordance  
20 with section three thousand two hundred twenty-four-a of the insurance  
21 law.

22 (4) Either the health care plan or the non-participating physician may  
23 submit the dispute regarding the surprise bill for review to an inde-  
24 pendent dispute resolution entity, provided however, the health care  
25 plan may not submit the dispute unless it has complied with the require-  
26 ments of paragraphs one, two and three of this subsection.

27 (5) When determining a reasonable fee for the services rendered, the  
28 independent dispute resolution entity shall select either the health

1 care plan's payment or the non-participating physician's fee. An inde-  
2 pendent dispute resolution entity shall determine which amount to select  
3 based upon the conditions and factors set forth in section six hundred  
4 four of this article.

5 (b) Surprise bill received by an insured who does not assign benefits  
6 or by a patient who is not an insured. (1) An insured who does not  
7 assign benefits in accordance with subsection (a) of this section or a  
8 patient who is not an insured and who receives a surprise bill may  
9 submit a dispute regarding the surprise bill for review to an independ-  
10 ent dispute resolution entity.

11 (2) The independent dispute resolution entity shall determine a  
12 reasonable fee for the services rendered based upon the conditions and  
13 factors set forth in section six hundred four of this article.

14 (3) A patient or insured who does not assign benefits in accordance  
15 with subsection (a) of this section shall not be required to pay the  
16 physician's fee to be eligible to submit the dispute for review to the  
17 independent dispute entity.

18 (c) The determination of an independent dispute resolution entity  
19 shall be binding on the patient, physician and health care plan, and  
20 shall be admissible in any court proceeding between the patient or  
21 insured, physician or health care plan, or in any administrative  
22 proceeding between this state and the physician.

23 § 608. Payment for independent dispute resolution entity. (a) For  
24 disputes involving an insured, when the independent dispute resolution  
25 entity determines the health care plan's payment is reasonable, payment  
26 for the dispute resolution process shall be the responsibility of the  
27 non-participating physician. When the independent dispute resolution  
28 entity determines the non-participating physician's fee is reasonable,

1 payment for the dispute resolution process shall be the responsibility  
2 of the health care plan.

3 (b) For disputes involving a patient that is not an insured, when the  
4 independent dispute resolution entity determines the physician's fee is  
5 reasonable, payment for the dispute resolution process shall be the  
6 responsibility of the patient unless payment for the dispute resolution  
7 process would pose a hardship to the patient. The superintendent shall  
8 promulgate a regulation to determine payment for the dispute resolution  
9 process in cases of hardship. When the independent dispute resolution  
10 entity determines the physician's fee is unreasonable, payment for the  
11 dispute resolution process shall be the responsibility of the physician.

12 § 27. This act shall take effect one year after it shall have become a  
13 law, provided, however, that:

14 1. if the amendments by chapter 514 of the laws of 2013 made to  
15 subsection (b) of section 4903 of the insurance law and subdivision 2 of  
16 section 4903 of the public health law, as amended by sections twelve and  
17 twenty-two of this act, respectively, take effect after such date, then  
18 sections twelve and twenty-two of this act shall take effect on the same  
19 date as chapter 514 of the laws of 2013 takes effect;

20 2. for policies renewed on and after such date this act shall take  
21 effect on the renewal date;

22 3. sections twelve, sixteen, seventeen, twenty-two and twenty-six of  
23 this act shall apply to health care services provided on and after such  
24 date;

25 4. sections eleven, thirteen, fourteen, fifteen, twenty-one, twenty-  
26 three, twenty-four and twenty-five of this act shall apply to denials  
27 issued on and after such date; and

1 5. effective immediately, the superintendent of financial services may  
2 promulgate any regulations necessary for the implementation of the  
3 provisions of this act on its effective date, and may certify one or  
4 more independent dispute resolution entities.

5 PART V

6 Section 1. The opening paragraph of subsection (k) of section 2101 of  
7 the insurance law, as added by chapter 687 of the laws of 2003, is  
8 amended to read as follows:

9 In this article, "insurance producer" means an insurance agent, title  
10 insurance agent, title insurance solicitor, insurance broker, reinsur-  
11 ance intermediary, excess lines broker, or any other person required to  
12 be licensed under the laws of this state to sell, solicit or negotiate  
13 insurance. Such term shall not include:

14 § 2. Paragraph 4 of subsection (k) of section 2101 of the insurance  
15 law is REPEALED and paragraphs 5, 6, 7, 8, 9, 10, 11, and 12 are renum-  
16 bered paragraphs 4, 5, 6, 7, 8, 9, 10, and 11.

17 § 3. Section 2101 of the insurance law is amended by adding 3 new  
18 subsections (y), (z), and (aa) to read as follows:

19 (y) (1) In this chapter, "title insurance agent" means any authorized  
20 or acknowledged agent of a title insurance corporation, and any subagent  
21 or other representative of such an agent, who or which for commission,  
22 compensation, or any other thing of value, performs the following acts  
23 in conjunction with the issuance of a title insurance policy:

24 (A) determines insurability or prepares or issues title insurance  
25 commitments or policies, or both, based upon the performance or review  
26 of a search; and

1 (B) performs one or more of the following functions:

2 (i) collects, remits or disburses premium or other funds;

3 (ii) handles escrows;

4 (iii) sells, solicits or negotiates title insurance business; or

5 (iv) closes title, including the clearance of title exceptions, in  
6 connection with the issuance of a title insurance policy;

7 (2) Such term shall not include any regular salaried officer or  
8 employee of an authorized title insurance corporation or of a licensed  
9 title insurance agent, who does not receive a commission or other  
10 compensation for services, which commission or other compensation is  
11 directly dependent upon the amount of title insurance business done.

12 (z) In this chapter, "title insurance closer" means any person who for  
13 compensation or anything of value, represents a title insurance corpo-  
14 ration or title insurance agent at the closing of title, except that  
15 such term shall not include:

16 (1) a licensed title insurance agent; or

17 (2) any regular salaried officer or employee of an authorized title  
18 insurance corporation or title insurance agent who does not receive a  
19 commission or other compensation that is directly dependent upon the  
20 amount of title insurance business done.

21 (aa) In this chapter, "title insurance solicitor" means any person,  
22 firm, association or corporation, who or which, for compensation or  
23 anything of value, solicits title insurance on behalf of a title insur-  
24 ance corporation or a title insurance agent, except that such term shall  
25 not include:

26 (1) a licensed title insurance agent; or

27 (2) any regular salaried officer or employee of an authorized title  
28 insurance corporation or title insurance agent who does not receive a

1 commission or other compensation that is directly dependent upon the  
2 amount of title insurance business done.

3 § 4. Subparagraph (A) of paragraph 1 of subsection (a) of section 2102  
4 of the insurance law, as amended by section 8 of part I of chapter 61 of  
5 the laws of 2011, is amended to read as follows:

6 (A) No person, firm, association or corporation shall act as an insur-  
7 ance producer, insurance adjuster [or], life settlement broker or title  
8 insurance closer in this state without having authority to do so by  
9 virtue of a license issued and in force pursuant to the provisions of  
10 this chapter.

11 § 5. Subsection (a) of section 2109 of the insurance law, paragraph 3  
12 as amended by chapter 687 of the laws of 2003, is amended to read as  
13 follows:

14 (a) The superintendent may issue a temporary insurance agent's  
15 license, title insurance agent's license or insurance broker's license,  
16 or both an insurance agent's and insurance broker's license, without  
17 requiring the applicant to pass a written examination or to satisfy the  
18 requirements of subsection (c) of section two thousand one hundred four  
19 of this article except as to age, in the case of a license issued pursu-  
20 ant to paragraph two [hereof] of this subsection, in the following  
21 cases:

22 (1) in the case of the death of a person who at the time of his death  
23 was a licensed accident and health insurance agent under subsection (a)  
24 of section two thousand one hundred three of this article, a licensed  
25 insurance agent or licensed title insurance agent under subsection (b)  
26 of such section or a licensed insurance broker:

27 (A) to the executor or administrator of the estate of such deceased  
28 agent or broker;

1 (B) to a surviving next of kin of such deceased agent or broker, where  
2 no administrator of his estate has been appointed and no executor has  
3 qualified under his duly probated will;

4 (C) to the surviving member or members of a firm or association, which  
5 at the time of the death of a member was such a licensed insurance  
6 agent, licensed title insurance agent or licensed insurance broker; or

7 (D) to an officer or director of a corporation upon the death of the  
8 only officer or director who was qualified as a sub-licensee or to the  
9 executor or administrator of the estate of such deceased officer or  
10 director;

11 (2) to any person who may be designated by a person licensed pursuant  
12 to this chapter as an insurance agent, title insurance agent or an  
13 insurance broker, or both an insurance agent and insurance broker, and  
14 who is absent because of service in any branch of the armed forces of  
15 the United States, including a partnership or corporation [which] that  
16 is licensed pursuant to this chapter as an insurance agent, title insur-  
17 ance agent or as an insurance broker, or both an insurance agent and  
18 insurance broker, in a case where the sub-licensee or all sub-licensees,  
19 if more than one, named in the license or licenses issued to such part-  
20 nership or corporation is or are absent because of service in any branch  
21 of the armed forces of the United States; and

22 (3) to the next of kin of a person who has become totally disabled and  
23 prevented from pursuing any of the duties of his or her occupation, and  
24 who at the commencement of his or her disability was a licensed accident  
25 and health insurance agent under subsection (a) of section two thousand  
26 one hundred three of this article, a licensed insurance agent under  
27 subsection (b) of such section, a licensed title insurance agent or a  
28 licensed insurance broker.



1 § 6. Subsection (c) of section 2109 of the insurance law is amended to  
2 read as follows:

3 (c) Such license or licenses shall authorize the person or persons  
4 named therein to renew the business of the deceased, absent or disabled  
5 insurance agent, title insurance agent, or insurance broker, or both an  
6 insurance agent and insurance broker, as the case may be, or of the firm  
7 or, in the case of a license issued pursuant to paragraph one or three  
8 of subsection (a) [hereof] of this section, the association whose busi-  
9 ness is being continued thereunder, each such agent[, ] or broker[, firm  
10 or association] being referred to in this section as "original licen-  
11 see", expiring during the period in which such temporary license or  
12 licenses are in force, to collect premiums due and payable to the  
13 original licensee or, in the case of a license issued pursuant to para-  
14 graph one of subsection (a) [hereof] of this section, to his or her  
15 estate, and to perform such other acts as an insurance agent, a title  
16 insurance agent or [as] an insurance broker, or both an insurance agent  
17 or insurance broker, as the case may be, as are incidental to the  
18 continuance of the insurance business of such original licensee.

19 § 7. Section 2109 of the insurance law is amended by adding a new  
20 subsection (h) to read as follows:

21 (h) (1) In the case of a person seeking a temporary license to act as  
22 a title insurance agent pursuant to subsection (a) of this section, the  
23 superintendent may issue a license for a term not to exceed one hundred  
24 eighty days to such person provided the person:

25 (A) demonstrates to the satisfaction of the superintendent that a  
26 title insurance corporation is willing to appoint him or her;

27 (B) submits to the next available title insurance agent examination;  
28 and

1 (C) demonstrates to the satisfaction of the superintendent that he or  
2 she is qualified, competent, experienced and trustworthy to act as a  
3 title insurance agent.

4 (2) Any person issued a license pursuant to this subsection shall, by  
5 virtue of such license, be authorized to solicit, negotiate or sell new  
6 policies of title insurance.

7 § 8. The section heading and subsections (a) and (b) of section 2110  
8 of the insurance law, as amended by chapter 499 of the laws of 2009,  
9 paragraph 15 of subsection (a) as added and paragraphs 16 and 17 of  
10 subsection (a) as renumbered by chapter 546 of the laws of 2013, are  
11 amended to read as follows:

12 Revocation or suspension of license of insurance producer, insurance  
13 consultant, adjuster, title insurance closer, or life settlement broker.

14 (a) The superintendent may refuse to renew, revoke, or may suspend for a  
15 period the superintendent determines the license of any insurance  
16 producer, insurance consultant, adjuster, title insurance closer or life  
17 settlement broker, if, after notice and hearing, the superintendent  
18 determines that the licensee or any sub-licensee has:

19 (1) violated any insurance laws, or violated any regulation, subpoena  
20 or order of the superintendent or of another state's insurance commis-  
21 sioner, or has violated any law in the course of his or her dealings in  
22 such capacity;

23 (2) provided materially incorrect, materially misleading, materially  
24 incomplete or materially untrue information in the license application;

25 (3) obtained or attempted to obtain a license through misrepresen-  
26 tation or fraud;

27 (4) (A) used fraudulent, coercive or dishonest practices;

28 (B) demonstrated incompetence;

- 1 (C) demonstrated untrustworthiness; or
- 2 (D) demonstrated financial irresponsibility in the conduct of business
- 3 in this state or elsewhere;
- 4 (5) improperly withheld, misappropriated or converted any monies or
- 5 properties received in the course of business in this state or else-
- 6 where;
- 7 (6) intentionally misrepresented the terms of an actual or proposed
- 8 insurance contract, life settlement contract or application for insur-
- 9 ance;
- 10 (7) has been convicted of a felony;
- 11 (8) admitted or been found to have committed any insurance unfair
- 12 trade practice or fraud;
- 13 (9) had an insurance producer license, insurance consultant license,
- 14 adjuster license, a title insurance closer license, a life settlement
- 15 broker license, or its equivalent, denied, suspended or revoked in any
- 16 other state, province, district or territory;
- 17 (10) forged another's name to an application for insurance or life
- 18 settlement contract or to any document related to an insurance or life
- 19 settlement transaction;
- 20 (11) improperly used notes or any other reference material to complete
- 21 an examination for an insurance license or life settlement broker
- 22 license;
- 23 (12) knowingly accepted insurance business from an individual who is
- 24 not licensed;
- 25 (13) failed to comply with an administrative or court order imposing a
- 26 child support obligation;
- 27 (14) failed to pay state income tax or comply with any administrative
- 28 or court order directing payment of state income tax;

1 (15) while acting as a public adjuster, the licensee has failed to act  
2 on behalf and in the best interests of the insured when negotiating for  
3 or effecting the settlement of an insurance claim for such insured or  
4 otherwise acting as a public adjuster, or has failed to make the disclo-  
5 sures required by paragraph two of subsection (s) of section two thou-  
6 sand one hundred eight of this article;

7 (16) while acting as a life settlement broker, failed to protect the  
8 privacy of the insured or owner or other person for whom the life  
9 settlement broker was required to provide protection pursuant to article  
10 seventy-eight of this chapter; or

11 (17) ceased to meet the requirements for licensure under this chapter.

12 (b) Before revoking or suspending the license of any insurance produc-  
13 er, title insurance closer, life settlement broker or other licensee  
14 pursuant to the provisions of this article, the superintendent shall,  
15 except when proceeding pursuant to subsection (f) of this section, give  
16 notice to the licensee and to every sub-licensee and shall hold, or  
17 cause to be held, a hearing not less than ten days after the giving of  
18 such notice.

19 § 9. Subsections (a), (b), (c), and (d) of sections 2112 of the insur-  
20 ance law, subsection (a) as amended by chapter 540 of the laws of 1996,  
21 subsections (b) and (d) as amended by chapter 687 of the laws of 2003  
22 and subsection (c) as amended by chapter 647 of the laws of 1992, are  
23 amended to read as follows:

24 (a) Every insurer, fraternal benefit society or health maintenance  
25 organization doing business in this state shall file a certificate of  
26 appointment in such form as the superintendent may prescribe in order to  
27 appoint insurance agents, title insurance agents, or title insurance  
28 solicitors to represent such insurer, fraternal benefit society or

1 health maintenance organization; except that a title insurance agent  
2 shall file a certificate of appointment in such form as the superinten-  
3 dent may prescribe in order to appoint a title insurance solicitor to  
4 act on behalf of such title insurance agent.

5 (b) To appoint a producer, the appointing insurer, or in the case of a  
6 title insurance solicitor, the appointing title insurance agent or  
7 insurer, shall file, in a format approved by the superintendent, a  
8 notice of appointment within fifteen days from the date the agency  
9 contract is executed or the first insurance application is submitted.

10 (c) Certificates of appointment shall be valid until [(i)] (1) termi-  
11 nated by the appointing insurer or title insurance agent after a termi-  
12 nation in accordance with the provisions of the agency contract; [(ii)]  
13 (2) the license is suspended or revoked by the superintendent; or  
14 [(iii)] (3) the license expires and is not renewed.

15 (d) Every insurer, fraternal benefit society or health maintenance  
16 organization or insurance producer or the authorized representative of  
17 the insurer, fraternal benefit society, health maintenance organization  
18 or insurance producer doing business in this state shall, upon termi-  
19 nation of the certificate of appointment as set forth in subsection (a)  
20 of this section of any insurance agent, title insurance agent or title  
21 insurance solicitor licensed in this state, or upon termination for  
22 cause for activities as set forth in subsection (a) of section two thou-  
23 sand one hundred ten of this article, of the certificate of appointment,  
24 of employment, of a contract or other insurance business relationship  
25 with any insurance producer, file with the superintendent within thirty  
26 days a statement, in such form as the superintendent may prescribe, of  
27 the facts relative to such termination for cause. The insurer, fraternal  
28 benefit society, health maintenance organization, insurance producer or

1 the authorized representative of the insurer, fraternal benefit society,  
2 health maintenance organization or insurance producer shall provide,  
3 within fifteen days after notification has been sent to the superinten-  
4 dent, a copy of the statement filed with the superintendent to the  
5 insurance producer at his, or her or its last known address by certified  
6 mail, return receipt requested, postage prepaid or by overnight delivery  
7 using a nationally recognized carrier. Every statement made pursuant to  
8 this subsection shall be deemed a privileged communication.

9 § 10. The insurance law is amended by adding a new section 2113 to  
10 read as follows:

11 § 2113. Title insurance agent, title insurance solicitor, and title  
12 insurance closer; commissions. (a) No insurer doing business in this  
13 state, and no agent or other representative thereof, shall pay any  
14 commission or other compensation to any person, firm, association or  
15 corporation for acting as a title insurance agent in this state, except  
16 to a licensed title insurance agent.

17 (b) No insurer doing business in this state, and no agent or other  
18 representative thereof, shall pay any compensation to any person, firm,  
19 association or corporation for acting as a title insurance closer in  
20 this state, except to a licensed title insurance closer.

21 (c) No insurer doing business in this state, and no agent or other  
22 representative thereof, shall pay any compensation to any person, firm,  
23 association or corporation for acting as a title insurance solicitor in  
24 this state, except to a licensed title insurance solicitor.

25 (d) At the time of the application, a title insurance agent shall  
26 provide to every applicant for insurance, a written good faith estimate  
27 of the premium on the policy or policies to be issued and a breakdown of  
28 the amount of all fees and service costs, including all filing fees and

1 closing costs, and any other ancillary or discretionary charges to be  
2 incurred, and the amount of any commission or other compensation to be  
3 paid to such agent by the title insurance corporation. If no title  
4 insurance agent is utilized, the title insurer shall provide the disclo-  
5 tures.

6 (e) For purposes of this chapter, a title insurance closer shall be  
7 deemed to be the appointed representative of the title insurance corpo-  
8 ration or title insurance agent that has engaged such title insurance  
9 closer for the closing.

10 (f) Nothing in this chapter shall be deemed to or be construed in a  
11 manner to authorize or permit any activity or practice, with respect to  
12 the business of title insurance, that is prohibited by section four  
13 hundred eighty-four or four hundred ninety-five of the judiciary law, or  
14 otherwise prohibited by law, including the unauthorized practice of law.

15 (g) No person or entity who acts as an agent, representative, attor-  
16 ney, or employee of the owner, lessee, or mortgagee, or prospective  
17 owner, lessee, or mortgagee of the real property or any interest therein  
18 and who also is a member, employee, or director of a title insurance  
19 agent, owns any interest in a title insurance agent, or is a subsidiary  
20 or affiliate of any title insurance agent, shall refer an applicant for  
21 insurance to such agent, and no such title insurance agent shall accept  
22 any such referral of title insurance business, unless the referral is  
23 made in accordance with section six thousand four hundred nine of this  
24 chapter and such person or entity, at the time of making a referral,  
25 provides, at a minimum, the following written disclosure to the appli-  
26 cant:

27 (1) the nature of the relationship between the person or entity and  
28 the title insurance agent;

1 (2) that the party being referred is not required to use the services  
2 of the title insurance agent or the title insurance corporation to which  
3 the party is being referred;

4 (3) that any money or other thing of value directly or indirectly paid  
5 by the title insurance agent or title insurance corporation to the  
6 person or entity is based on the person or entity's financial interest  
7 in the title insurance agent, and is not related to the amount of title  
8 insurance business the person or entity refers to the title insurance  
9 agent;

10 (4) that the person or entity is not required to refer a specified  
11 amount of title insurance business to the title insurance agency; and

12 (5) the amount or value of any compensation or other thing of value  
13 that the person or entity expects to receive in connection with the  
14 services to be provided by the title insurance agent or the title insur-  
15 ance corporation to which the party is being referred.

16 § 11. The section heading of section 2119 of the insurance law, as  
17 amended by chapter 499 of the laws of 2009, is amended and a new  
18 subsection (f) is added to read as follows:

19 Insurance agents, brokers, consultants, [and] life settlement brokers,  
20 title insurance agents and title insurance closers; written contract for  
21 compensation; excess charges prohibited.

22 (f) No title insurance agent or title insurance closer may receive any  
23 compensation or fee, direct or indirect, for or on account of services  
24 performed in connection with the issuance of a title insurance policy,  
25 unless such compensation is: (1) for ancillary services not encompassed  
26 in the rate of premium approved by the superintendent; and (2) based  
27 upon a written memorandum signed by the party to be charged, and speci-  
28 fying or clearly defining the amount or extent of such compensation. A



1 copy of every such memorandum shall be retained by the licensee for not  
2 less than three years after such services have been fully performed.

3 § 12. The section heading and subsections (a) and (c) of section 2120  
4 of the insurance law are amended to read as follows:

5 Fiduciary capacity of insurance agents, title insurance agents, title  
6 insurance closers, insurance brokers and reinsurance intermediaries. (a)  
7 Every insurance agent, title insurance agent, title insurance closer,  
8 and [every] insurance broker acting as such in this state shall be  
9 responsible in a fiduciary capacity for all funds received or collected  
10 as insurance agent or insurance broker, and shall not, without the  
11 express consent of his, her or its principal, mingle any such funds with  
12 his, her or its own funds or with funds held by him, her or it in any  
13 other capacity.

14 (c) This section shall not require any such insurance agent, title  
15 insurance agent, title insurance closer, insurance broker or reinsurance  
16 intermediary to maintain a separate bank deposit for the funds of each  
17 such principal, if and as long as the funds so held for each such prin-  
18 cipal are reasonably ascertainable from the books of account and records  
19 of such agent, broker or reinsurance intermediary, as the case may be.

20 § 13. The section heading and subsection (a) of section 2122 of the  
21 insurance law are amended to read as follows:

22 Advertising by insurance [agents and brokers] producers. (a) (1) No  
23 insurance [agent or insurance broker] producer shall make or issue in  
24 this state any advertisement, sign, pamphlet, circular, card or other  
25 public announcement purporting to make known the financial condition of  
26 any insurer, unless the same shall conform to the requirements of  
27 section one thousand three hundred thirteen of this chapter.

1 (2) No insurance [agent, insurance broker] producer or other person,  
2 shall, by any advertisement or public announcement in this state, call  
3 attention to any unauthorized insurer or insurers.

4 § 14. Subsections (a) and (b) of section 2128 of the insurance law,  
5 subsection (b) as further amended by section 104 of part A of chapter 62  
6 of the laws of 2011, are amended to read as follows:

7 (a) Notwithstanding the provisions of sections two thousand three  
8 hundred twenty-four and four thousand two hundred twenty-four of this  
9 chapter, no [insurance agent, insurance broker, insurance consultant,  
10 excess line broker, reinsurance intermediary or insurance adjuster]  
11 licensee subject to this article shall receive any commissions or fees  
12 or shares thereof in connection with insurance coverages placed for or  
13 insurance services rendered to the state, its agencies and departments,  
14 public benefit corporations, municipalities and other governmental  
15 subdivisions in this state, unless such [insurance agent, insurance  
16 broker, insurance consultant, excess line broker, reinsurance interme-  
17 diary or insurance adjuster] licensee actually placed insurance cover-  
18 ages on behalf of or rendered insurance services to the state, its agen-  
19 cies and departments, public benefit corporations, municipalities and  
20 other governmental subdivisions in this state.

21 (b) The superintendent shall, by regulation, require [insurance  
22 agents, insurance brokers, insurance consultants, excess line brokers,  
23 reinsurance intermediaries and insurance adjusters] licensees subject to  
24 this article to file disclosure statements with the department of finan-  
25 cial services and the most senior official of the governmental unit  
26 involved, with respect to any insurance coverages placed for or insur-  
27 ance services rendered to the state, its agencies and departments,  
28 public benefit corporations, municipalities and other governmental

1 subdivisions in this state, except that neither a title insurance corpo-  
2 ration nor a title insurance agent shall be required to file a disclo-  
3 sure statement if an industrial development agency, state of New York  
4 mortgage agency or its successor, or any similar type of entity, is the  
5 named insured under the policy and is a mortgagee with respect to the  
6 property insured.

7 § 15. Subsections (a) and (b) of section 2132 of the insurance law, as  
8 amended by chapter 499 of the laws of 2009, are amended to read as  
9 follows:

10 (a) This section shall apply to resident and non-resident persons  
11 licensed pursuant to this article with respect to:

12 (1) life insurance, annuity contracts, variable annuity contracts and  
13 variable life insurance;

14 (2) sickness, accident and health insurance;

15 (3) all lines of property and casualty insurance; [and]

16 (4) life settlements[.]; and

17 (5) title insurance.

18 (b) This section shall not apply to:

19 (1) those persons holding licenses for which an examination is not  
20 required by the laws of this state;

21 (2) any limited licensees or any other licensees as the superintendent  
22 may exempt subject to any continuing education requirements deemed  
23 appropriate by the superintendent; [or]

24 (3) for purposes of the continuing education requirements for life  
25 settlements, an insurance producer with a life line of authority who is  
26 acting as a life settlement broker pursuant to section two thousand one  
27 hundred thirty-seven of this article; or

1 (4) for purposes of a title insurance agent license, an attorney  
2 licensed to practice law in this state.

3 § 16. The insurance law is amended by adding a new section 2139 to  
4 read as follows:

5 § 2139. Fingerprinting. (a) (1) Except as provided in subsection (b)  
6 of this section, the superintendent may require any individual named in  
7 an application for a license under section two thousand one hundred  
8 forty, two thousand one hundred forty-one, or two thousand one hundred  
9 forty-two of this article to submit a set of fingerprints. Such finger-  
10 prints shall be submitted to the division of criminal justice services  
11 for a state criminal history record check, and may be submitted to the  
12 federal bureau of investigation for a national criminal history record  
13 check. All such criminal history records made available to the super-  
14 intendent pursuant to this section shall be confidential pursuant to the  
15 applicable federal and state laws, rules and regulations, and shall not  
16 be published or in any way disclosed to persons other than the super-  
17 intendent, unless otherwise authorized by law.

18 (2) The superintendent shall inform such applicant that he or she may  
19 obtain a copy of his or her criminal history record maintained by the  
20 division of criminal justice services, if any, and may challenge the  
21 completeness or accuracy of the information contained in such record,  
22 pursuant to regulations and procedures established by the division of  
23 criminal justice services.

24 (3) All determinations to grant or deny clearance for licensure pursu-  
25 ant to this section shall be in accordance with subdivision sixteen of  
26 section two hundred ninety-six of the executive law and article twenty-  
27 three-A of the correction law. When the superintendent denies an appli-  
28 cation, written notice of such determination shall be given to the

1 prospective applicant who shall be afforded notice and the right to be  
2 heard and offer proof in opposition to such determination.

3 (b) The superintendent shall waive the fingerprinting requirement for  
4 a nonresident producer license applicant as provided in section two  
5 thousand one hundred thirty-six of this article.

6 § 17. The insurance law is amended by adding a new section 2140 to  
7 read as follows:

8 § 2140. Title insurance agents; licensing. (a) The superintendent may  
9 issue a license to any person, firm, association or corporation that has  
10 complied with the requirements of this chapter, authorizing the licensee  
11 to act as a title insurance agent of any authorized title insurance  
12 corporation, provided that such title insurance agent demonstrates  
13 financial accountability as evidenced by a bond or other method of  
14 financial accountability in an amount not less than fifty thousand  
15 dollars.

16 (b) Any such license issued to a firm or association shall authorize  
17 only the members thereof, named in such license as sub-licensees, to act  
18 individually as title insurance agents thereunder, and any such license  
19 issued to a corporation shall authorize only the officers and directors  
20 thereof, named in such license as sub-licensees, to act individually as  
21 title insurance agents thereunder. Every sub-licensee acting as title  
22 insurance agent pursuant to such a license shall be authorized so to act  
23 only in the name of the licensee. In the case of a license issued to a  
24 title insurance agent, at least one designated sub-licensee must have a  
25 financial or other beneficial interest in the licensee.

26 (c) Every individual applicant for a license under this section and  
27 every proposed licensee shall be eighteen years of age or older at the  
28 time of the issuance of such license.

1 (d) Before any original title insurance agent's license is issued,  
2 there shall be on file in the office of the superintendent an applica-  
3 tion by the prospective licensee in such form or forms and supplements  
4 thereto, along with a fee in the amount of forty dollars for each year  
5 or fraction of a year in which the license shall be valid, and contain-  
6 ing information the superintendent prescribes.

7 (e) The superintendent shall, in order to determine the competency of  
8 every individual applicant and of every proposed sub-licensee for the  
9 title insurance agent license, require such individual to submit to a  
10 personal written examination and to pass the same to the satisfaction of  
11 the superintendent. The examination shall be held at such times and  
12 places as the superintendent shall from time to time determine. Every  
13 individual applying to take any written examination shall, at the time  
14 of applying therefor, pay to the superintendent or, at the discretion of  
15 the superintendent, directly to any organization that is under contract  
16 to provide examination services, an examination fee of an amount that is  
17 the actual documented administrative cost of conducting said qualifying  
18 examination as certified by the superintendent from time to time. An  
19 examination fee represents an administrative expense and shall not be  
20 refundable. The superintendent may accept, in lieu of any such examina-  
21 tion, the result of any previous written examination, given by the  
22 superintendent, which in the superintendent's judgment, is equivalent to  
23 the examination for which it is substituted.

24 (f) Every individual seeking to qualify to obtain a license under  
25 subsection (b) of this section shall be required to pass the type or  
26 types of examination prescribed by the superintendent. An individual  
27 shall not be deemed qualified to take the examination unless the indi-  
28 vidual has successfully completed a course or courses, approved as to

1 method and content by the superintendent, covering the title insurance  
2 business and requiring not less than twenty hours of classroom work, in  
3 institutions of learning meeting the standards prescribed by paragraph  
4 one of subsection (a) of section two thousand one hundred four of this  
5 article.

6 (g) No such written examination or pre-licensing education shall be  
7 required of any:

8 (1) applicant who files an application under this section within one  
9 year after the effective date of this subsection and who demonstrates to  
10 the satisfaction of the superintendent that such applicant or its  
11 prospective sub-licensee has, without interruption, regularly and  
12 continuously performed the functions of a title insurance agent for a  
13 period of at least five years immediately preceding the filing of such  
14 application and is competent and trustworthy to act as a title insurance  
15 agent;

16 (2) applicant who has passed the written examination given by the  
17 superintendent for a title insurance agent's license and was licensed as  
18 such, or of an applicant who was licensed as a title insurance agent but  
19 did not pass such an examination, provided the applicant applies within  
20 two years following the date of termination of the applicant's license;  
21 or

22 (3) applicant seeking to obtain a license as a title insurance agent,  
23 when such applicant is a licensed attorney-at-law in this state.

24 (h) The superintendent may refuse to issue to an applicant a title  
25 insurance agent's license if, in the superintendent's judgment, the  
26 proposed licensee or any sub-licensee:

27 (1) is not trustworthy and competent to act as such agent;

1 (2) has given cause for the revocation or suspension of such a  
2 license; or

3 (3) has failed to comply with any prerequisite for the issuance of  
4 such license.

5 (i) (1) Every license issued to a business entity pursuant to  
6 subsection (a) of this section shall expire on June thirtieth of odd-  
7 numbered years.

8 (2) Every license issued to an individual born in an odd-numbered year  
9 shall expire on the individual's birthday in each odd-numbered year.  
10 Licenses issued to individuals born in even-numbered years shall expire  
11 on the individual's birthday in each even-numbered year.

12 (3) Every license may be renewed for the ensuing period of twenty-four  
13 months upon the filing of an application in conformity with this  
14 subsection.

15 (4) The license may be issued for all of such two year terms, or upon  
16 application made during any such term, for the balance thereof.

17 (5) Any license shall be considered in good standing within the  
18 license term unless:

19 (A) revoked or suspended by the superintendent pursuant to this arti-  
20 cle; or

21 (B) if at the expiration date of the license term, the licensee fails  
22 to file a renewal application, provided the license was in good standing  
23 during the term.

24 (6) Before the renewal of any title insurance agent's license shall be  
25 issued, the licensee shall have:

26 (A) filed a completed renewal application in such form or forms, and  
27 supplements thereto, and containing such information as the superinten-  
28 dent may prescribe; and



1 (B) paid such fees as are prescribed in this section.

2 (7) If an application for a renewal license shall have been filed with  
3 the superintendent before the expiration of such license, then the  
4 license sought to be renewed shall continue in full force and effect  
5 either until the issuance by the superintendent of the renewal license  
6 applied for or until five days after the superintendent shall have  
7 refused to issue such renewal license and shall have given notice of  
8 such refusal to the applicant and to each proposed sub-licensee. Before  
9 refusing to renew any such license, except on the ground of failure to  
10 pass a written examination, the superintendent shall notify the appli-  
11 cant of the superintendent's intention to do so and shall give the  
12 applicant a hearing.

13 (8) The superintendent may, in issuing a renewal license, dispense  
14 with the requirements of a verified application by any individual licen-  
15 see or sub-licensee who, by reason of being engaged in any military  
16 service for the United States, is unable to make personal application  
17 for such renewal license, upon the filing of an application on behalf of  
18 such individual, in such form as the superintendent shall prescribe, by  
19 some person or persons who in his or her judgment have knowledge of the  
20 facts and who make affidavit showing such military service and the  
21 inability of such title insurance agent to make personal application.

22 (9) An individual licensee or sub-licensee who is unable to comply  
23 with license renewal procedures due to other extenuating circumstances,  
24 such as a long-term medical disability, may request a waiver of such  
25 procedures, in such form as the superintendent shall prescribe. The  
26 licensee or sub-licensee may also request a waiver of any examination  
27 requirement or any other fine or sanction imposed for failure to comply  
28 with renewal procedures.

1 (10) An application for the renewal of a license shall be filed with  
2 the superintendent not less than sixty days prior to the date the  
3 license expires or the applicant shall be subject to a further fee of  
4 ten dollars for late filing.

5 (11) No license fee shall be required of any person who served as a  
6 member of the armed forces of the United States at any time, and who  
7 shall have been discharged therefrom under conditions other than  
8 dishonorable, in a current licensing period for the duration of such  
9 period.

10 (12) Except where a corporation, association or firm licensed as a  
11 title insurance agent is applying to add a sub-licensee or the date of  
12 the expiration of the license is changed, there shall be no fee required  
13 for the issuance of an amended license.

14 (13) The superintendent may issue a replacement license for a current-  
15 ly in-force license that has been lost or destroyed. Before such  
16 replacement license shall be issued, there shall be on file in the  
17 office of the superintendent a written application for such replacement  
18 license, affirming under penalty of perjury that the original license  
19 has been lost or destroyed, together with a fee of fifteen dollars.

20 (j) The superintendent may refuse to issue a license or renewal  
21 license, as the case may be, to any applicant if the superintendent  
22 finds that such applicant has been or will be receiving any benefit or  
23 advantage in violation of section six thousand four hundred nine of this  
24 chapter, or if the superintendent finds that more than ten percent of  
25 the aggregate net commissions or other compensation received during the  
26 term of the existing license, if any, or to be received during the term  
27 of the license applied for, by the applicant, resulted or will result  
28 from insurance on the property and risks set forth in subparagraphs (A),

1 (B) and (C) of paragraph one of subsection (i) of section two thousand  
2 one hundred three of this article, except that in determining the ten  
3 percent, the aggregate net commissions or other compensation shall not  
4 include commissions or other compensation from mortgage refinancing  
5 transactions involving real property used predominantly for residential  
6 purposes and which consists of not more than four dwelling units, other  
7 than hotels and motels. Every licensee subject to this chapter shall  
8 certify at the time of licensing or upon renewal to the superintendent  
9 that such licensee is in compliance with this subsection.

10 § 18. The insurance law is amended by adding a new section 2141 to  
11 read as follows:

12 § 2141. Title insurance closers; licensing. (a) The superintendent may  
13 issue a license to any individual who has complied with the requirements  
14 of this chapter, authorizing the licensee to act as a title insurance  
15 closer for any authorized title insurance corporation or title insurance  
16 agent.

17 (b) Every individual applicant for a license under this section shall  
18 be eighteen years of age or older at the time of the issuance of such  
19 license.

20 (c) Before any original title insurance closer's license is issued,  
21 there shall be on file in the office of the superintendent an applica-  
22 tion by the prospective licensee in such form or forms and supplements  
23 thereto, along with a fee in the amount of forty dollars for each year  
24 or fraction of a year in which the license shall be valid, and contain-  
25 ing information the superintendent prescribes.

26 (d) The superintendent shall, in order to determine the competency of  
27 every individual applicant for the title insurance closer license,  
28 require such individual to submit to a personal written examination and

1 to pass the same to the satisfaction of the superintendent. The examina-  
2 tion shall be held at such times and places as the superintendent shall  
3 from time to time determine. Every individual applying to take any writ-  
4 ten examination shall, at the time of applying therefor, pay to the  
5 superintendent or, at the discretion of the superintendent, directly to  
6 any organization that is under contract to provide examination services,  
7 an examination fee of an amount that is the actual documented adminis-  
8 trative cost of conducting said qualifying examination as certified by  
9 the superintendent from time to time. An examination fee represents an  
10 administrative expense and shall not be refundable. The superintendent  
11 may accept, in lieu of any such examination, the result of any previous  
12 written examination, given by the superintendent, which in the super-  
13 intendent's judgment, is equivalent to the examination for which it is  
14 substituted.

15 (e) Every individual seeking to qualify to obtain a license under  
16 subsection (b) of this section shall be required to pass the type or  
17 types of examination prescribed by the superintendent. An individual  
18 shall not be deemed qualified to take the examination unless the indi-  
19 vidual has successfully completed a course or courses, approved as to  
20 method and content by the superintendent, covering the title insurance  
21 business and requiring not less than twenty hours of classroom work, in  
22 institutions of learning meeting the standards prescribed by paragraph  
23 one of subsection (a) of section two thousand one hundred four of this  
24 article.

25 (f) No such written examination or pre-licensing education shall be  
26 required of any:

27 (1) individual who files an application under this section within one  
28 year after the effective date of this subsection and who demonstrates to

1 the satisfaction of the superintendent that such applicant has, without  
2 interruption, regularly and continuously performed the functions of a  
3 title insurance closer for a period of at least five years immediately  
4 preceding the filing of such application and is competent and trustwor-  
5 thy to act as a title insurance closer;

6 (2) applicant who has passed the written examination given by the  
7 superintendent for a title insurance closer's license and was licensed  
8 as such, or of an applicant who was licensed as a title insurance closer  
9 but did not pass such an examination, provided the applicant applies  
10 within two years following the date of termination of the applicant's  
11 license; or

12 (3) applicant seeking to obtain a license as a title insurance closer,  
13 when such applicant is a licensed attorney-at-law in this state.

14 (g) The superintendent may refuse to issue to an applicant a title  
15 insurance closer's license if, in the superintendent's judgment, the  
16 proposed licensee:

17 (1) is not trustworthy and competent to act as such closer;

18 (2) has given cause for the revocation or suspension of such a  
19 license; or

20 (3) has failed to comply with any prerequisite for the issuance of  
21 such license.

22 (h) (1) Every license issued to an individual born in an odd-numbered  
23 year shall expire on the individual's birthday in each odd-numbered  
24 year. Licenses issued to individuals born in even-numbered years shall  
25 expire on the individual's birthday in each even-numbered year. Every  
26 such license may be renewed for the ensuing period of twenty-four months  
27 upon the filing of an application in conformity with this subsection.

1 (2) The license may be issued for all of such two year terms, or upon  
2 application made during any such term, for the balance thereof.

3 (3) Any license shall be considered in good standing within the  
4 license term unless:

5 (A) revoked or suspended by the superintendent pursuant to this arti-  
6 cle; or

7 (B) if at the expiration date of the license term, the licensee fails  
8 to file a renewal application, provided the license was in good standing  
9 during the term.

10 (4) Before the renewal of any title insurance closer's license shall  
11 be issued, the licensee shall have:

12 (A) filed a completed renewal application in such form or forms, and  
13 supplements thereto, and containing such information as the superinten-  
14 dent may prescribe; and

15 (B) paid such fees as are prescribed in this section.

16 (5) If an application for a renewal license shall have been filed with  
17 the superintendent before the expiration of such license, then the  
18 license sought to be renewed shall continue in full force and effect  
19 either until the issuance by the superintendent of the renewal license  
20 applied for or until five days after the superintendent shall have  
21 refused to issue such renewal license and shall have given notice of  
22 such refusal to the applicant. Before refusing to renew any such  
23 license, except on the ground of failure to pass a written examination,  
24 the superintendent shall notify the applicant of the superintendent's  
25 intention to do so and shall give the applicant a hearing.

26 (6) The superintendent may, in issuing a renewal license, dispense  
27 with the requirements of a verified application by any individual licen-  
28 see who, by reason of being engaged in any military service for the

1 United States, is unable to make personal application for such renewal  
2 license, upon the filing of an application on behalf of such individual,  
3 in such form as the superintendent shall prescribe, by some person or  
4 persons who in his or her judgment have knowledge of the facts and who  
5 make affidavit showing such military service and the inability of such  
6 title insurance closer to make personal application.

7 (7) An individual licensee who is unable to comply with license  
8 renewal procedures due to other extenuating circumstances, such as a  
9 long-term medical disability, may request a waiver of such procedures,  
10 in such form as the superintendent shall prescribe. The licensee may  
11 also request a waiver of any examination requirement or any other fine  
12 or sanction imposed for failure to comply with renewal procedures.

13 (8) An application for the renewal of a license shall be filed with  
14 the superintendent not less than sixty days prior to the date the  
15 license expires or the applicant shall be subject to a further fee of  
16 ten dollars for late filing.

17 (9) No license fee shall be required of any person who served as a  
18 member of the armed forces of the United States at any time, and who  
19 shall have been discharged therefrom under conditions other than  
20 dishonorable, in a current licensing period for the duration of such  
21 period.

22 (10) The superintendent may issue a replacement license for a current-  
23 ly in-force license that has been lost or destroyed. Before such  
24 replacement license shall be issued, there shall be on file in the  
25 office of the superintendent a written application for such replacement  
26 license, affirming under penalty of perjury that the original license  
27 has been lost or destroyed, together with a fee of fifteen dollars.

1 § 19. The insurance law is amended by adding a new section 2142 to  
2 read as follows:

3 § 2142. Title insurance solicitors; licensing. (a) The superintendent  
4 may issue a license to any individual that has complied with the  
5 requirements of this chapter, authorizing the licensee to act as a title  
6 insurance solicitor for any authorized title insurance corporation or  
7 title insurance agent.

8 (b) Every applicant for a license under this section shall be eighteen  
9 years of age or older at the time of the issuance of such license.

10 (c) Before any original title insurance solicitor's license is issued,  
11 there shall be on file in the office of the superintendent an applica-  
12 tion by the prospective licensee in such form or forms and supplements  
13 thereto, along with a fee in the amount of forty dollars for each year  
14 or fraction of a year in which the license shall be valid, and contain-  
15 ing information the superintendent prescribes.

16 (d) The superintendent shall, in order to determine the competency of  
17 every applicant for the title insurance solicitor license, require such  
18 individual to submit to a personal written examination and to pass the  
19 same to the satisfaction of the superintendent. The examination shall be  
20 held at such times and places as the superintendent shall from time to  
21 time determine. Every individual applying to take any written examina-  
22 tion shall, at the time of applying therefor, pay to the superintendent  
23 or, at the discretion of the superintendent, directly to any organiza-  
24 tion that is under contract to provide examination services, an examina-  
25 tion fee of an amount that is the actual documented administrative cost  
26 of conducting said qualifying examination as certified by the super-  
27 intendent from time to time. An examination fee represents an adminis-  
28 trative expense and shall not be refundable. The superintendent may



1 accept, in lieu of any such examination, the result of any previous  
2 written examination, given by the superintendent, which in the super-  
3 intendent's judgment, is equivalent to the examination for which it is  
4 substituted.

5 (e) Every individual seeking to qualify to obtain a license under  
6 subsection (b) of this section shall be required to pass the type or  
7 types of examination prescribed by the superintendent. An individual  
8 shall not be deemed qualified to take the examination unless the indi-  
9 vidual has successfully completed a course or courses, approved as to  
10 method and content by the superintendent, covering the title insurance  
11 business and requiring not less than twenty hours of classroom work, in  
12 institutions of learning meeting the standards prescribed by paragraph  
13 one of subsection (a) of section two thousand one hundred four of this  
14 article.

15 (f) No such written examination or pre-licensing education shall be  
16 required of any:

17 (1) individual who files an application under this section within one  
18 year after the effective date of this subsection and who demonstrates to  
19 the satisfaction of the superintendent that such applicant has, without  
20 interruption, regularly and continuously performed the functions of a  
21 title insurance solicitor for a period of at least five years immediate-  
22 ly preceding the filing of such application and is competent and trust-  
23 worthy to act as a title insurance closer;

24 (2) applicant who has passed the written examination given by the  
25 superintendent for a title insurance solicitor's license and was  
26 licensed as such, or of an applicant who was licensed as a title insur-  
27 ance solicitor but did not pass such an examination, provided the appli-

1 cant applies within two years following the date of termination of the  
2 applicant's license; or

3 (3) applicant seeking to obtain a license as a title insurance solici-  
4 tor, when such applicant is a licensed attorney-at-law in this state.

5 (g) The superintendent may refuse to issue to an applicant a title  
6 insurance solicitor's license if, in the superintendent's judgment, the  
7 proposed licensee:

8 (1) is not trustworthy and competent to act as such solicitor;

9 (2) has given cause for the revocation or suspension of such a  
10 license; or

11 (3) has failed to comply with any prerequisite for the issuance of  
12 such license.

13 (h) (1) Every license issued to an individual born in an odd-numbered  
14 year shall expire on the individual's birthday in each odd-numbered  
15 year. Licenses issued to individuals born in even-numbered years shall  
16 expire on the individual's birthday in each even-numbered year. Every  
17 such license may be renewed for the ensuing period of twenty-four months  
18 upon the filing of an application in conformity with this subsection.

19 (2) The license may be issued for all of such two year terms, or upon  
20 application made during any such term, for the balance thereof.

21 (3) Any license shall be considered in good standing within the  
22 license term unless:

23 (A) revoked or suspended by the superintendent pursuant to this arti-  
24 cle; or

25 (B) if at the expiration date of the license term, the licensee fails  
26 to file a renewal application, provided the license was in good standing  
27 during the term.

1 (4) Before the renewal of any title insurance solicitor's license  
2 shall be issued, the licensee shall have:

3 (A) filed a completed renewal application in such form or forms, and  
4 supplements thereto, and containing such information as the superinten-  
5 dent may prescribe; and

6 (B) paid such fees as are prescribed in this section.

7 (5) If an application for a renewal license shall have been filed with  
8 the superintendent before the expiration of such license, then the  
9 license sought to be renewed shall continue in full force and effect  
10 either until the issuance by the superintendent of the renewal license  
11 applied for or until five days after the superintendent shall have  
12 refused to issue such renewal license and shall have given notice of  
13 such refusal to the applicant. Before refusing to renew any such  
14 license, except on the ground of failure to pass a written examination,  
15 the superintendent shall notify the applicant of the superintendent's  
16 intention to do so and shall give the applicant a hearing.

17 (6) The superintendent may, in issuing a renewal license, dispense  
18 with the requirements of a verified application by any individual licen-  
19 see who, by reason of being engaged in any military service for the  
20 United States, is unable to make personal application for such renewal  
21 license, upon the filing of an application on behalf of such individual,  
22 in such form as the superintendent shall prescribe, by some person or  
23 persons who in his or her judgment have knowledge of the facts and who  
24 make affidavit showing such military service and the inability of such  
25 title insurance solicitor to make personal application.

26 (7) An individual licensee who is unable to comply with license  
27 renewal procedures due to other extenuating circumstances, such as a  
28 long-term medical disability, may request a waiver of such procedures,

1 in such form as the superintendent shall prescribe. The licensee may  
2 also request a waiver of any examination requirement or any other fine  
3 or sanction imposed for failure to comply with renewal procedures.

4 (8) An application for the renewal of a license shall be filed with  
5 the superintendent not less than sixty days prior to the date the  
6 license expires or the applicant shall be subject to a further fee of  
7 ten dollars for late filing.

8 (9) No license fee shall be required of any person who served as a  
9 member of the armed forces of the United States at any time, and who  
10 shall have been discharged therefrom under conditions other than  
11 dishonorable, in a current licensing period for the duration of such  
12 period.

13 (10) The superintendent may issue a replacement license for a current-  
14 ly in-force license that has been lost or destroyed. Before such  
15 replacement license shall be issued, there shall be on file in the  
16 office of the superintendent a written application for such replacement  
17 license, affirming under penalty of perjury that the original license  
18 has been lost or destroyed, together with a fee of fifteen dollars.

19 § 20. Section 2314 of the insurance law is amended to read as follows:

20 § 2314. Charging of rates. No authorized insurer shall, and no  
21 licensed insurance agent, no title insurance agent, no employee or other  
22 representative of an authorized insurer, and no licensed insurance  
23 broker shall knowingly, charge or demand a rate or receive a premium  
24 [which] that departs from the rates, rating plans, classifications,  
25 schedules, rules and standards in effect on behalf of the insurer, or  
26 shall issue or make any policy or contract involving a violation there-  
27 of.

1 § 21. Section 6409 of the insurance law, subsection (c) as added by  
2 chapter 955 of the laws of 1984, is amended to read as follows:

3 § 6409. Filing of policy forms; rates; classification of risks;  
4 commissions and rebates prohibited. (a) No title insurance policy or  
5 guarantee of the correctness of searches form shall be issued or deliv-  
6 ered in this state, unless [and until a copy of the form thereof shall  
7 have] it has been filed with the superintendent [for his information] in  
8 accordance with article twenty-three of this chapter.

9 (b) [Every title insurance corporation shall file with the superinten-  
10 dent its rate manual, if any, its basic schedule of rates and classi-  
11 fication of risks, its rating plan and rules in connection with the  
12 writing or issuance of policies of title insurance and shall thereafter  
13 likewise file any changes therein. After any such filing no such corpo-  
14 ration shall, in connection with the writing or issuance of any such  
15 policy, deviate from the rates, classifications of risks and rules last  
16 filed by it, either by making any reduction in rates without having  
17 filed the same as herein provided, or by way of any discriminations in  
18 favor of or against any insured. The superintendent shall have the  
19 powers specified in article twenty-three of this chapter applicable to  
20 title insurers.] Title insurance rates and rate filings, including rates  
21 for guarantees of the correctness of searches, shall be subject to arti-  
22 cle twenty-three of this chapter.

23 (c) Notwithstanding any other provision of this article, every title  
24 insurance [company] corporation shall [be required to] offer, at or  
25 prior to title closing, an optional policy form [which will insure] that  
26 insures the title of owner-occupied real property used predominantly for  
27 residential purposes [which] that consists of not more than four dwell-  
28 ing units for an amount equal to the market value of the property at the

1 time a loss is discovered. Such policy form shall be filed with, and  
2 approved by, the superintendent [pursuant to subsection (a) of this  
3 section] in accordance with article twenty-three of this chapter. Rates  
4 for such coverage shall be filed and approved pursuant to [subsection  
5 (b) of this section] article twenty-three of this chapter.

6 (d) No title insurance corporation, title insurance agent, or any  
7 other person acting for or on behalf of [it] the title insurance corpo-  
8 ration or title insurance agent, shall offer or make, directly or indi-  
9 rectly, any rebate of any portion of the fee, premium or charge made, or  
10 pay or give to any applicant for insurance, or to any person, firm, or  
11 corporation acting as agent, representative, attorney, or employee of  
12 the owner, lessee, mortgagee or the prospective owner, lessee, or mort-  
13 gagee or the prospective owner, lessee, or mortgagee of the real proper-  
14 ty or any interest therein, either directly or indirectly, any commis-  
15 sion, any part of its fees or charges, or any other consideration or  
16 valuable thing, as an inducement for, or as compensation for, any title  
17 insurance business, nor shall any applicant for insurance, or any  
18 person, firm, or corporation acting as agent, representative, attorney,  
19 or employee of the owner, lessee, mortgagee or the prospective owner,  
20 lessee, or mortgagee of the real property or anyone having any interest  
21 in real property knowingly receive, directly or indirectly, any such  
22 rebate or other consideration or valuable thing. Any person or entity  
23 who [accepts or receives such a commission or rebate] violates this  
24 section shall be subject to a penalty equal to the greater of [one] five  
25 thousand dollars or five times the amount [thereof] of any compensation  
26 or rebate received or paid.

27 (e) Premium rates for coverage shall fully reflect the foregoing  
28 prohibitions of subsection (d) [hereof] of this section.

1 § 22. This act shall take effect on the one hundred eightieth day  
2 after it shall have become a law, provided, however, that effective  
3 immediately:

4 (1) the addition, amendment, or repeal of any rule or regulation  
5 necessary for the implementation of this act on its effective date is  
6 authorized and directed to be made and completed on or before such  
7 effective date;

8 (2) the superintendent of financial services shall promulgate applica-  
9 tion forms for persons, firms, associations, and corporations seeking to  
10 obtain a license as a title insurance agent, or individuals seeking to  
11 obtain a license as a title insurance closer or title insurance solici-  
12 tor; and

13 (3) each person, firm, association, or corporation who has filed an  
14 application for a license as a title insurance agent, or every individ-  
15 ual who has filed an application for a license as a title insurance  
16 closer or title insurance solicitor on or before January 1, 2015 or  
17 within 90 days after the superintendent of financial services has  
18 promulgated application forms pursuant to this act, whichever date is  
19 later, may act as such licensee without a license issued pursuant to  
20 section 2140, 2141, or 2142 of the insurance law, as added by sections  
21 seventeen, eighteen, and nineteen of this act, until the superintendent  
22 of financial services has made a final determination on the application  
23 for such license filed by such person, firm, association, or corpo-  
24 ration.

1 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012,  
2 amending the public authorities law relating to authorizing the dormito-  
3 ry authority to enter into certain design and construction management  
4 agreements, as amended by section 1 of part I of chapter 58 of the laws  
5 of 2013, is amended to read as follows:

6 § 2. This act shall take effect immediately and shall expire and be  
7 deemed repealed April 1, [2014] 2015.

8 § 2. Within 90 days of the effective date of this act, the dormitory  
9 authority of the state of New York shall provide a report providing  
10 information regarding any project undertaken pursuant to a design and  
11 construction management agreement, as authorized by part BB of chapter  
12 58 of the laws of 2012, between the dormitory authority of the state of  
13 New York and the department of environmental conservation and/or the  
14 office of parks, recreation and historic preservation to the governor,  
15 the temporary president of the senate and speaker of the assembly. Such  
16 report shall include but not be limited to a description of each such  
17 project, the project identification number of each such project, if  
18 applicable, the projected date of completion, the status of the project,  
19 the total cost or projected cost of each such project, and the location,  
20 including the names of any county, town, village or city, where each  
21 such project is located or proposed. In addition, such a report shall be  
22 provided to the aforementioned parties by the first day of March of each  
23 year that the authority to enter into such agreements pursuant to part  
24 BB of chapter 58 of the laws of 2012 is in effect.

25 § 3. This act shall take effect immediately and shall be deemed to  
26 have been in effect on and after April 1, 2014.



1 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the  
2 public authorities law relating to the powers and duties of the dormito-  
3 ry authority of the state of New York relative to the establishment of  
4 subsidiaries for certain purposes, as amended by section 28 of part D of  
5 chapter 56 of the laws of 2012, is amended to read as follows:

6 § 2. This act shall take effect immediately and shall expire and be  
7 deemed repealed on July 1, [2014] 2016; provided however, that the expi-  
8 ration of this act shall not impair or otherwise affect any of the  
9 powers, duties, responsibilities, functions, rights or liabilities of  
10 any subsidiary duly created pursuant to subdivision twenty-five of  
11 section 1678 of the public authorities law prior to such expiration.

12 § 2. This act shall take effect immediately.

13 PART Y

14 Section 1. Section 2976-a of the public authorities law is REPEALED.

15 § 2. Section 2868 of the public health law, as amended by section 43-a  
16 of part B of chapter 58 of the laws of 2008, is amended to read as  
17 follows:

18 § 2868. Fees and charges. The commissioner may by regulation establish  
19 and charge to any nursing home company, for the period of occupancy date  
20 to mortgage discharge, a fee for inspection, regulation, supervision and  
21 audit not to annually exceed two-tenths of one percent of the mortgage  
22 loan to recover the departmental costs in performing these functions in  
23 relation to any nursing home project financed or refinanced by a loan  
24 made under this article prior to April first, two thousand fourteen.  
25 Notwithstanding the foregoing, no such fee shall be charged or payable  
26 pursuant to this section with respect to a nursing home project financed

1 or refinanced with bonds issued on or after April first, two thousand  
2 fourteen.

3 § 3. Section 2881 of the public health law, as amended by section 43-b  
4 of part B of chapter 58 of the laws of 2008, is amended to read as  
5 follows:

6 § 2881. Fees and charges. The commissioner may, by regulation, estab-  
7 lish and charge to eligible borrowers, for the period from occupancy  
8 date to mortgage discharge, a fee for inspection, regulation, super-  
9 vision and audit not to annually exceed two-tenths of one percent of the  
10 mortgage loan to recover the departmental costs in performing these  
11 functions in relation to any hospital project financed or refinanced by  
12 a loan made under this article prior to April first, two thousand four-  
13 teen. Notwithstanding the foregoing, no such fee shall be charged or  
14 payable pursuant to this section with respect to a hospital project  
15 financed or refinanced with bonds issued on or after April first, two  
16 thousand fourteen.

17 § 4. This act shall take effect immediately.

18 PART Z

19 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
20 of the laws of 1968 constituting the New York state urban development  
21 corporation act, as amended by chapter 81 of the laws of 2013, is  
22 amended to read as follows:

23 3. The provisions of this section shall expire, notwithstanding any  
24 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
25 the laws of 1996 or of any other law, on July 1, [2014] 2015.

1 § 2. This act shall take effect immediately and shall be deemed to  
2 have been in full force and effect on and after July 1, 2014.

3 PART AA

4 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
5 New York state urban development corporation act, relating to the powers  
6 of the New York state urban development corporation to make loans, as  
7 amended by section 1 of part H of chapter 58 of the laws of 2013, is  
8 amended to read as follows:

9 § 2. This act shall take effect immediately provided, however, that  
10 section one of this act shall expire on July 1, [2014] 2015, at which  
11 time the provisions of subdivision 26 of section 5 of the New York state  
12 urban development corporation act shall be deemed repealed; provided,  
13 however, that neither the expiration nor the repeal of such subdivision  
14 as provided for herein shall be deemed to affect or impair in any manner  
15 any loan made pursuant to the authority of such subdivision prior to  
16 such expiration and repeal.

17 § 2. This act shall take effect immediately and shall be deemed to  
18 have been in full force and effect on and after April 1, 2014.

19 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
20 sion, section or part of this act shall be adjudged by any court of  
21 competent jurisdiction to be invalid, such judgment shall not affect,  
22 impair, or invalidate the remainder thereof, but shall be confined in  
23 its operation to the clause, sentence, paragraph, subdivision, section  
24 or part thereof directly involved in the controversy in which such judg-  
25 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such  
2 invalid provisions had not been included herein.

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