

**2015-16 NEW YORK STATE EXECUTIVE BUDGET
TRANSPORTATION
ECONOMIC DEVELOPMENT AND
ENVIRONMENTAL CONSERVATION
ARTICLE VII LEGISLATION**

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Legislative Bill Drafting Commission
12573-01-5

S. -----
 Senate

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 which are necessary to
implement the state fiscal plan for
the 2015-2016 state fiscal year)

Collection of motor vehicle fees

AN ACT

to amend part U1 of chapter 62 of
the laws of 2003 amending the vehi-
cle and traffic law and other laws
relating to increasing certain motor
vehicle transaction fees, in
relation to the effectiveness there-
of; and 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 vehi-

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	s49 Farley	s63 Kennedy	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s34 Klein	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s28 Krueger	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s24 Lanza	s62 Ortt	s29 Serrano
s04 Boyle	s59 Gallivan	s39 Larkin	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s37 Latimer	s21 Parker	s09 Skelos
s38 Carlucci	s22 Golden	s01 LaValle	s13 Peralta	s26 Squadron
s14 Comrie	s47 Griffo	s52 Libous	s30 Perkins	s16 Stavisky
s03 Croci	s20 Hamilton	s45 Little	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s43 Marchione	s33 Rivera	s53 Valesky
s18 Dilan	Thompson	s07 Martins	s56 Robach	s08 Venditto
s31 Espaillat	s27 Hoylman	s25 Montgomery	s19 Sampson	s57 Young

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	a045 Cymbrowitz	a135 Johns	a003 Murray	a016 Schimel
a092 Abinanti	a053 Davila	a077 Joyner	a133 Nojay	a140 Schimminger
a084 Arroyo	a034 DenDekker	a020 Kaminsky	a037 Nolan	a076 Seawright
a035 Aubry	a054 Dilan	a094 Katz	a130 Oaks	a087 Sepulveda
a120 Barclay	a081 Dinowitz	a074 Kavanagh	a069 O'Donnell	a065 Silver
a106 Barrett	a147 DiPietro	a142 Kearns	a051 Ortiz	a027 Simanowitz
a060 Barron	a115 Duprey	a040 Kim	a091 Otis	a052 Simon
a082 Benedetto	a004 Englebright	a131 Kolb	a132 Palmesano	a036 Simotas
a042 Bichotte	a109 Fahy	a105 Lalor	a002 Palumbo	a104 Skartados
a079 Blake	a071 Farrell	a013 Lavine	a088 Paulin	a099 Skoufis
a117 Blankenbush	a126 Finch	a134 Lawrence	a141 Peoples-	a022 Solages
a062 Borelli	a008 Fitzpatrick	a050 Lentol	Stokes	a114 Stec
a098 Brabenec	a124 Friend	a125 Lifton	a058 Perry	a110 Steck
a026 Braunstein	a095 Galef	a072 Linares	a059 Persaud	a127 Stirpe
a044 Brennan	a137 Gantt	a102 Lopez	a086 Pichardo	a112 Tedisco
a119 Brindisi	a007 Garbarino	a123 Lupardo	a089 Pretlow	a101 Tenney
a138 Bronson	a148 Giglio	a010 Lupinacci	a073 Quart	a001 Thiele
a046 Brook-Krasny	a080 Gjonaj	a121 Magee	a019 Ra	a061 Titone
a093 Buchwald	a066 Glick	a129 Magnarelli	a012 Raia	a031 Titus
a118 Butler	a023 Goldfeder	a064 Malliotakis	a006 Ramos	a055 Walker
a103 Cahill	a150 Goodell	a030 Markey	a078 Rivera	a146 Walter
a043 Camara	a075 Gottfried	a090 Mayer	a128 Roberts	a041 Weinstein
a145 Ceretto	a005 Graf	a108 McDonald	a056 Robinson	a024 Weprin
a033 Clark	a100 Gunther	a014 McDonough	a068 Rodriguez	a113 Woerner
a047 Colton	a139 Hawley	a017 McKevitt	a067 Rosenthal	a143 Wozniak
a032 Cook	a083 Heastie	a107 McLaughlin	a025 Rozic	a070 Wright
a144 Corwin	a028 Hevesi	a038 Miller	a116 Russell	a096 Zebrowski
a085 Crespo	a048 Hikind	a015 Montesano	a149 Ryan	
a122 Crouch	a018 Hooper	a136 Morelle	a009 Saladino	
a021 Curran	a097 Jaffee	a057 Mosley	a111 Santabarbara	
a063 Cusick	a011 Jean-Pierre	a039 Moya	a029 Scarborough	

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).

cle costs from the dedicated highway and bridge trust fund (Part A); to amend the infrastructure investment act, in relation to expanding the definition of authorized state entity and increasing the threshold amounts for projects utilizing design-build contracts (Part B); to amend the transportation law, in relation to fees for motor carriers; and to repeal certain provisions of such law relating thereto (Part C); to amend chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to including Ontario county to the Rochester-Genesee Regional Transportation District (Part D); to amend the state finance law, in relation to creating a transit assistance for capital investments fund (Part E); authorizing the department of transportation to defer reductions in service payments for two years (Part F); to amend the public authorities law, the highway law, and the public officers law, in relation to authorizing shared services agreements between the department of transportation and the New York state thruway authority (Part G); to amend the vehicle and traffic law, in relation to overweight permits (Part H); to amend the vehicle and traffic law, the criminal procedure law and the transportation law, in relation to the issuance of commercial learner's permits and the disqualification of commercial driver's licenses and commercial learner's permits (Part I); to amend public authorities law, in relation to decreasing state responsibility for certain costs incurred by the New York state thruway authority (Part J); 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; 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 K); to amend the public authorities law, in relation to procurements by the New York city transit authority and the metropolitan transportation authority (Part L); 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 M); 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 N); 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 O); to authorize the energy research and development authority to finance a portion of its research, development and demonstration and policy and planning programs, and to finance the department of environmental conservation's climate change program, from an assessment on gas and electric corporations (Part P); to amend the executive law, in relation to extending certain provisions relating to the minority- and women-owned business enterprise disparity study; and to amend chapter 261 of the laws of 1988 amending the state finance law and other laws relating to the New York infrastructure trust fund, in relation to the effectiveness of article 15-A of the executive law (Part Q); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part R); 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 S); 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 T); to amend the real property law, in relation to eliminating certain fees charged for an apartment information vendor license (Part U); to amend the agriculture and markets law, in relation to eliminating certain license fees (Part V); to amend part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, in relation to the issuance of securitized restructuring bonds to refinance outstanding debt of the Long Island power authority (Part W); to amend the navigation law and the state finance law, in relation to license fees and surcharges for the transfer of petroleum between vessels, between facilities and vessels, and between facilities, whether onshore or offshore (Part X); to amend the environmental conservation law, in relation to operating permit program fees, state air quality control fees and state pollutant discharge elimination system program fees (Part Y); to amend the environmental conservation law, in relation to eliminating the registration fee for water well driller certification (Part Z); to amend the state finance law and the environmental conservation law, in relation to establishing a habitat conservation and access account; and to repeal certain provisions of the state finance law relating thereto (Part AA); and to amend the local finance law, in relation to establishing a ten year period of probable usefulness for municipally owned

omnibus or surface transit motor
vehicles (Part BB)

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 2015-2016
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through BB. 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. 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 1 of
16 part C of chapter 57 of the laws of 2014, 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 April 1,
21 2015;] provided [further,] however, that the amendments to subdivision 3
22 of section 205 of the tax law made by section eight of this act shall
23 expire and be deemed repealed on March 31, 2018; provided further,
24 however, that the provisions of section eleven of this act shall take
25 effect April 1, 2004 [and shall expire and be deemed repealed on April
26 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 2 of part C of chapter 57 of the laws of
4 2014, 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 April 1, 2015].

10 § 3. This act shall take effect immediately.

PART B

12 Section 1. Paragraph (e) of subdivision 6 of section 2 of part F of
13 chapter 56 of the laws of 2011, constituting the infrastructure invest-
14 ment act, is amended to read as follows:

(e) assist the use of the most efficient and effective procurement and project management for infrastructure projects in the transportation, energy, environment, public facilities, public building and economic development sectors.

19 § 2. Paragraph (a) of section 3 of part F of chapter 56 of the laws of
20 2011, constituting the infrastructure investment act, is amended to read
21 as follows:

(a) "authorized state entity" shall mean [the New York state thruway authority, the department of transportation, the office of parks, recreation and historic preservation, the department of environmental conservation and the New York state bridge authority] any state agency as such term is defined in section 160 of the state finance law, any state

1 authority as such term is defined in section 2 of the public authorities
2 law, the city university of New York, the state university of New York,
3 and any and all affiliates or subsidiaries of such entities.

4 § 3. Section 4 of part F of chapter 56 of the laws of 2011, constitut-
5 ing the infrastructure investment act, is amended to read as follows:

6 § 4. Notwithstanding the provisions of section 38 of the highway law,
7 section 136-a of the state finance law, [section] sections 359, 1678,
8 1680 and 1680-a of the public authorities law, [section] sections 407-a,
9 6281 and 7210 of the education law, sections 8 and 9 of the public
10 buildings law, section 11 of chapter 795 of the laws of 1967, sections 8
11 and 9 of section 1 of chapter 359 of the laws of 1968 as amended,
12 section 29 of chapter 337 of the laws of 1972, section 21 of chapter 464
13 of the laws of 1972, and the provisions of any other law to the contra-
14 ry, and in conformity with the requirements of this act, an authorized
15 state entity may utilize the alternative delivery method referred to as
16 design-build contracts for capital projects related to the state's phys-
17 ical infrastructure, including, but not limited to, the state's high-
18 ways, bridges, buildings, dams, flood control projects, canals, and
19 parks, including, but not limited to, to repair damage caused by natural
20 disaster, to correct health and safety defects, to comply with federal
21 and state laws, standards, and regulations, to extend the useful life of
22 or replace the state's highways, bridges, buildings, dams, flood control
23 projects, canals, and parks or to improve or add to the state's high-
24 ways, bridges, buildings, dams, flood control projects, canals, and
25 parks; provided that for the contracts executed by [the department of
26 transportation, the office of parks, recreation and historic preserva-
27 tion, or the department of environmental conservation] any authorized
28 state agency, the total cost of each such project shall not be less than

1 [one million two hundred thousand dollars (\$1,200,000)] five million
2 dollars (\$5,000,000).

3 § 4. Section 8 of part F of chapter 56 of the laws of 2011, constitut-
4 ing the infrastructure investment act, is amended to read as follows:

5 § 8. If otherwise applicable, capital projects undertaken by the
6 authorized state entity pursuant to this act shall be subject to section
7 135 of the state finance law and section 222 of the labor law; provided,
8 however, that an authorized state entity that requires the contractor to
9 prepare separate specifications in accordance with section 135 of the
10 state finance law shall be deemed to be in compliance with provisions of
11 such law. For all capital projects using a design-build contract that
12 are estimated to cost in excess of \$50 million, a project labor agree-
13 ment, as defined in section 222 of the labor law, shall be included in
14 the request for proposals for the capital project unless, based upon a
15 feasibility study examining the potential cost saving and efficiencies
16 of a project labor agreement, the authorized state entity cannot deter-
17 mine that a project labor agreement would result in labor cost savings
18 of at least five percent and that its interest in obtaining the best
19 work at the lowest possible price, preventing favoritism, fraud and
20 corruption, and other considerations such as the impact of delay, the
21 possibility of cost savings advantages, and any history of labor unrest,
22 are best met by requiring a project labor agreement.

23 § 5. Section 17 of part F of chapter 56 of the laws of 2011, consti-
24 tuting the infrastructure investment act, is amended to read as follows:

25 § 17. Any contract awarded pursuant to this act shall be deemed to be
26 awarded pursuant to a competitive procurement for purposes of public
27 authorities law section 2879-a.

1 inspection, if such fee is not paid within ninety days of receipt of an
2 invoice.

3 2. All fees charged and collected by the commissioner under subdivi-
4 sion one of this section shall be deposited by the comptroller into the
5 dedicated highway and bridge trust fund established pursuant to section
6 eighty-nine-b of the state finance law.

7 § 2. Subdivision 1 of section 153 of the transportation law is
8 REPEALED and subdivisions 2, 3, 4, 5, 6, 7, 8 and 9 are renumbered
9 subdivisions 1, 2, 3, 4, 5, 6, 7 and 8.

10 § 3. Subdivisions 1 and 6 of section 154 of the transportation law, as
11 added by chapter 635 of the laws of 1983, are amended to read as
12 follows:

13 1. The commissioner may issue a permanent certificate of public
14 convenience and necessity to operate as a common carrier of passengers
15 to an applicant with or without hearing, except as provided in subdivi-
16 sions two and seven of this section, but upon notice to all interested
17 parties. If any application for authority to operate a bus line through
18 a county, city, village or town or in or through a territory or district
19 served by a bus line or a public transportation authority created pursu-
20 ant to titles nine, eleven, eleven-A, eleven-B, eleven-C and eleven-D of
21 article five of the public authorities law is protested by any such
22 municipality, bus line, or public transportation authority, and hearing
23 on such application is requested then no permanent authority shall be
24 granted prior to a hearing held on such application. The commissioner
25 shall consider any reasonable conditions required of the applicant by
26 such municipality regarding routing and franchise requirements and, in
27 cities having a population of over one million persons the commissioner
28 shall adopt the intracity routing requirements to the proposed destina-

1 tion point or points that are established by any such city, provided
2 that such city furnishes the routing requirements to the commissioner
3 within sixty days of the filing of the application with the department.
4 In addition the commissioner shall adopt insurance requirements provided
5 for by any such city. Except for the routing and insurance requirements
6 in cities having a population of over one million persons, the commis-
7 sioner shall impose requirements on the applicant deemed to be reason-
8 able and in the public interest as a condition to any authority granted.
9 [Applications for a permanent certificate shall be accompanied by a
10 filing fee as prescribed in section one hundred forty-four of this chap-
11 ter.] The application for a permanent certificate shall be granted if
12 the commissioner finds that:

13 (a) the applicant is fit, willing and able to provide the transporta-
14 tion to be authorized by the certificate and to comply with this chapter
15 and the regulations of the commissioner; and

16 (b) the service proposed will be required by the present or future
17 public convenience and necessity.

18 6. Any person holding a permanent certificate to provide bus line
19 service shall not discontinue service on any route unless an application
20 is made to the commissioner and the commissioner approves such applica-
21 tion upon a finding that the public convenience and necessity no longer
22 requires such bus line service. [Applications for discontinuance shall
23 be accompanied by a filing fee as prescribed in section one hundred
24 forty-four of this chapter.]

25 § 4. Subdivision 1 of section 155 of the transportation law, as added
26 by chapter 635 of the laws of 1983, is amended to read as follows:

27 1. A permanent permit to operate as a contract carrier of passengers
28 may be issued by the commissioner to an applicant with or without a

1 hearing, but upon notice to all interested parties, authorizing such
2 applicant to provide transportation as a contract carrier of passengers.
3 [Applications for a permanent permit shall be accompanied by a filing
4 fee as prescribed in section one hundred forty-four of this chapter.]
5 The application for a permanent permit shall be granted if the commis-
6 sioner finds that:

7 (a) the applicant is fit, willing and able to provide the transporta-
8 tion to be authorized by the permit and to comply with this chapter and
9 the regulations of the commissioner; and

10 (b) the proposed service is or will be consistent with the public
11 interest and the policy declared in section one hundred thirty-seven of
12 this chapter.

13 § 5. Subdivision 3 of section 156 of the transportation law, as added
14 by chapter 635 of the laws of 1983, is amended to read as follows:

15 3. Certificates or permits shall not be assigned or transferred, in
16 any manner, nor shall the right to operate under any certificate or
17 permit be leased without prior approval of the commissioner upon such
18 notice as the commissioner shall deem appropriate. The assignment,
19 transfer or lease of certificates or permits or the right to operate
20 under any certificate or permit, shall not be approved unless the
21 commissioner shall find that it is in the public interest to do so. All
22 applications for transfer or lease must be in such form as prescribed by
23 the commissioner [and be accompanied by a filing fee as prescribed in
24 section one hundred forty-four of this chapter].

25 § 6. Subdivision 1 of section 173 of the transportation law, as added
26 by chapter 635 of the laws of 1983, is amended to read as follows:

27 1. A temporary certificate or permit to operate as a common or
28 contract carrier of property may be issued by the commissioner to a

1 qualified applicant with or without a hearing for the purpose of provid-
2 ing a service for which there is an immediate or urgent need from or to
3 a point or points or within a territory. Applications for temporary
4 authority shall contain such information as the commissioner by regu-
5 lation may prescribe [and shall be accompanied by a filing fee as
6 prescribed in section one hundred forty-four of this chapter].

7 § 7. Subdivision 1 of section 174 of the transportation law, as added
8 by chapter 635 of the laws of 1983, is amended to read as follows:

9 1. A permanent certificate to operate as a common carrier of property
10 may be issued by the commissioner to a qualified applicant with or with-
11 out hearing, but upon notice to all interested parties, authorizing such
12 applicant to provide transportation as a common carrier of property.
13 Applications for a permanent certificate shall contain such information
14 as the commissioner by regulation may prescribe [and shall be accompa-
15 nied by a filing fee as prescribed in section one hundred forty-four of
16 this chapter]. The application for a permanent certificate shall be
17 granted if the commissioner finds that:

18 (a) the applicant is fit, willing and able to provide the transporta-
19 tion to be authorized by the certificate and to comply with this chapter
20 and the regulations of the commissioner; and

21 (b) that the service proposed will be required by the present or
22 future public convenience and necessity.

23 § 8. Subdivision 1 of section 175 of the transportation law, as added
24 by chapter 635 of the laws of 1983, is amended to read as follows:

25 1. A permanent permit to operate as a contract carrier of property may
26 be issued by the commissioner to an applicant with or without hearing,
27 but upon notice to all interested parties authorizing such applicant to
28 provide transportation as a contract carrier of property. [Applications

1 for a permanent permit shall be accompanied by a filing fee as
2 prescribed in section one hundred forty-four of this chapter.] The
3 application for a permanent permit shall be granted if the commissioner
4 finds that:

5 (a) the applicant is fit, willing and able to provide the transporta-
6 tion to be authorized and to comply with this chapter and the regu-
7 lations of the commissioner; and

8 (b) the proposed service to the extent authorized will be consistent
9 with the public interest and the policy declared in section one hundred
10 thirty-seven of this chapter.

11 § 9. Subdivision 3 of section 177 of the transportation law, as added
12 by chapter 635 of the laws of 1983, is amended to read as follows:

13 3. Certificates or permits shall not be assigned, transferred or
14 leased in any manner nor shall the right to operate under any certif-
15 icate or permit be leased without prior approval of the commissioner,
16 upon such notice as the commissioner shall deem appropriate. The assign-
17 ment, transfer or lease of a certificate, or the right to operate under
18 any certificate, shall not be approved unless the commissioner shall
19 find that it is in the public interest to do so. All applications for
20 assignment, transfer or lease must be in such form as prescribed by the
21 commissioner [and shall be accompanied by a filing fee as prescribed in
22 section one hundred forty-four of this chapter].

23 § 10. Subdivision 1 of section 192 of the transportation law, as added
24 by chapter 635 of the laws of 1983, is amended to read as follows:

25 1. A probationary certificate to operate as a common carrier of house-
26 hold goods by motor vehicle may be issued by the commissioner to a qual-
27 ified applicant after public notice and with or without hearing. The
28 application shall contain such information as the commissioner by regu-

1 lation shall prescribe [and the application shall be accompanied by a
2 filing fee as prescribed in section one hundred forty-four of this chap-
3 ter]. A probationary certificate shall:

4 (a) create no presumption that a corresponding permanent certificate
5 will be granted;

6 (b) confer no proprietary or property rights in the use of the high-
7 ways;

8 (c) be granted for a period not to exceed one year, which may be
9 renewed for an additional one year period by the commissioner; and

10 (d) be subject to any conditions deemed appropriate by the commission-
11 er to be in the public interest.

12 § 11. Subdivision 6 of section 193 of the transportation law, as added
13 by chapter 635 of the laws of 1983, is amended to read as follows:

14 6. Permanent certificates issued pursuant to subdivision one of this
15 section shall have no application fee. [Applications for permanent
16 certificates issued pursuant to subdivision four of this section shall
17 be accompanied by a filing fee as prescribed in section one hundred
18 forty-four of this chapter.]

19 § 12. Subdivision 3 of section 195 of the transportation law, as added
20 by chapter 635 of the laws of 1983, is amended to read as follows:

21 3. Permanent certificates shall not be assigned, transferred or leased
22 in any manner nor shall the right to operate under any such certificate
23 be leased without prior approval of the commissioner upon such notice as
24 the commissioner shall deem appropriate. The assignment, transfer or
25 lease of a permanent certificate, shall not be approved unless the
26 commissioner shall find that it is in the public interest to do so. All
27 applications for transfer or lease must be in such form as prescribed by

1 the commissioner [and shall be accompanied by a filing fee as prescribed
2 in section one hundred forty-four of this chapter].

3 § 13. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2015.

5 PART D

6 Section 1. Section 1 of part I of chapter 413 of the laws of 1999,
7 relating to providing for mass transportation payments, as amended by
8 section 1 of part L of chapter 59 of the laws of 2006, is amended to
9 read as follows:

10 Section 1. Notwithstanding any other law, rule or regulation to the
11 contrary, payment of mass transportation operating assistance pursuant
12 to section 18-b of the transportation law shall be subject to the
13 provisions contained herein and the amounts made available therefor by
14 appropriation.

15 In establishing service and usage formulas for distribution of mass
16 transportation operating assistance, the commissioner of transportation
17 may combine and/or take into consideration those formulas used to
18 distribute mass transportation operating assistance payments authorized
19 by separate appropriations in order to facilitate program administration
20 and to ensure an orderly distribution of such funds.

21 To improve the predictability in the level of funding for those
22 systems receiving operating assistance payments under service and usage
23 formulas, the commissioner of transportation is authorized with the
24 approval of the director of the budget, to provide service payments
25 based on service and usage statistics of the preceding year.

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

7 Percentage of matching payment required to be provided:

8	Percentage
9	of Matching
10	Payment
11	-----
12	In the Metropolitan Commuter
13	Transportation District:
14	New York City 6.40
15	Dutchess 1.30
16	Nassau 39.60
17	Orange 0.50
18	Putnam 1.30
19	Rockland 0.10
20	Suffolk 25.70
21	Westchester 25.10
22	In the Capital District Trans-
23	portation District:
24	Albany 56.10
25	Rensselaer 23.30
26	Saratoga 4.10

1	Schenectady	16.50	
2	In the Central New York Re-		
3	gional Transportation Dis-		
4	trict:		
5	Cayuga	5.11	
6	Onondaga	75.83	
7	Oswego	2.85	
8	Oneida	16.21	
9	In the Rochester-Genesee Re-		
10	gional Transportation Dis-		
11	trict:		
12	Genesee	[1.43]	<u>1.36</u>
13	Livingston	[0.94]	<u>.90</u>
14	Monroe	[94.58]	<u>90.14</u>
15	Wayne	[1.03]	<u>.98</u>
16	Wyoming	[0.54]	<u>.51</u>
17	Seneca	[0.67]	<u>.64</u>
18	Orleans	[0.81]	<u>.77</u>
19	<u>Ontario</u>		<u>4.69</u>
20	In the Niagara Frontier Trans-		
21	portation District: Erie		89.20
22	Niagara	10.80	

23 Notwithstanding any other inconsistent provisions of section 18-b of
24 the transportation law or any other law, any moneys provided to a public
25 benefit corporation constituting a transportation authority or to other
26 public transportation systems in payment of state operating assistance
27 or such lesser amount as the authority or public transportation system

1 shall make application for, shall be paid by the commissioner of trans-
2 portation to such authority or public transportation system in lieu, and
3 in full satisfaction, of any amounts which the authority would otherwise
4 be entitled to receive under section 18-b of the transportation law.

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

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

26 The commissioner of transportation shall be required to annually eval-
27 uate the operating and financial performance of each major public trans-
28 portation system. Where the commissioner's evaluation process has iden-

1 tified a problem related to system performance, the commissioner may
2 request the system to develop plans to address the performance deficien-
3 cies. The commissioner of transportation may withhold future state oper-
4 ating assistance payments to public transportation systems or private
5 operators that do not provide such operating, financial, or other infor-
6 mation as may be required by the commissioner to conduct the evaluation
7 process.

8 Payments shall be made contingent upon compliance with regulations
9 deemed necessary and appropriate, as prescribed by the commissioner of
10 transportation and approved by the director of the budget, which shall
11 promote the economy, efficiency, utility, effectiveness, and coordinated
12 service delivery of public transportation systems. The chief executive
13 officer of each public transportation system receiving a payment shall
14 certify to the commissioner of transportation, in addition to informa-
15 tion required by section 18-b of the transportation law, such other
16 information as the commissioner of transportation shall determine is
17 necessary to determine compliance and carry out the purposes herein.

18 Counties, municipalities or Indian tribes that propose to allocate
19 service payments to operators on a basis other than the amount earned by
20 the service payment formula shall be required to describe the proposed
21 method of distributing governmental operating aid and submit it one
22 month prior to the start of the operator's fiscal year to the commis-
23 sioner of transportation in writing for review and approval prior to the
24 distribution of state aid. The commissioner of transportation shall only
25 approve alternate distribution methods which are consistent with the
26 transportation needs of the people to be served and ensure that the
27 system of private operators does not exceed established maximum service
28 payment limits. Copies of such approvals shall be submitted to the

1 chairpersons of the senate finance and assembly ways and means commit-
2 tees.

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

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

25 In the event that an audit of a public transportation system or
26 private operator receiving funds discloses the existence of an overpay-
27 ment of state operating assistance, regardless of whether such an over-
28 payment results from an audit of revenue passengers and the actual

1 number of revenue vehicle miles statistics, or an audit of private oper-
2 ators in cases where more than a reasonable return based on equity or
3 operating revenues and expenses has resulted, the commissioner of trans-
4 portation, in addition to recovering the amount of state operating
5 assistance overpaid, shall also recover interest, as defined by the
6 department of taxation and finance, on the amount of the overpayment.

7 Notwithstanding any other law, rule or regulation to the contrary,
8 whenever the commissioner of transportation is notified by the comp-
9 troller that the amount of revenues available for payment from an
10 account is less than the total amount of money for which the public mass
11 transportation systems are eligible pursuant to the provisions of
12 section 88-a of the state finance law and any appropriations enacted for
13 these purposes, the commissioner of transportation shall establish a
14 maximum payment limit which is proportionally lower than the amounts set
15 forth in appropriations.

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

21 § 2. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after April 1, 2015.

23 PART E

24 Section 1. The state finance law is amended by adding a new section
25 99-w to read as follows:

1 § 99-w. Transit assistance for capital investments fund. 1. There is
2 hereby established in the joint custody of the state comptroller and the
3 commissioner of taxation and finance a special capital fund to be known
4 as the "transit assistance for capital investments fund."

5 2. The comptroller shall establish the following separate and distinct
6 account within the transit assistance for capital investments fund:

7 Metropolitan transit assistance for capital investments account

8 3. The transit assistance for capital investments fund shall consist
9 of all moneys collected therefor or credited or transferred thereto from
10 any other fund, account or source. Any interest received by the comp-
11 troller on moneys on deposit in the transit assistance for capital
12 investments fund shall be retained in and become a part of such fund.

13 4. Moneys in the transit assistance for capital investments fund
14 shall, following appropriation by the legislature, be utilized for capi-
15 tal purposes, including, but not limited to the planning and design,
16 acquisition, construction, reconstruction, replacement, improvement,
17 reconditioning, rehabilitation and preservation of mass transit facili-
18 ties, vehicles, related equipment and rolling stock with an average
19 service life of no less than five years.

20 5. Moneys deposited into the metropolitan transit assistance for capi-
21 tal investments account shall be available to the metropolitan transpor-
22 tation authority (MTA) and to all other public transportation systems
23 serving primarily within the metropolitan commuter transportation
24 district, as defined in section twelve hundred sixty-two of the public
25 authorities law, eligible to receive operating assistance under the
26 provisions of section eighteen-b of the transportation law consistent
27 with the uses outlined in subdivision four of this section.

1 6. Notwithstanding any other provision of law, no capital assistance
2 payment authorized under this section may be applied to operating
3 expenses.

4 7. All payments of money from the transit assistance for capital
5 investments fund shall be made in accordance with a formula to be estab-
6 lished by the commissioner of transportation with the approval of the
7 director of the budget.

8 8. All payments of moneys from the transit assistance for capital
9 investments fund shall be made on the audit and warrant of the comp-
10 troller.

11 § 2. This act shall take effect immediately.

12 PART F

13 Section 1. Notwithstanding any other law, rule or regulation to the
14 contrary, the commissioner of transportation may approve the deferral of
15 any required reductions in service payments to unspecified public trans-
16 portation systems, pursuant to the hold-harmless provision of the State-
17 wide Mass Transportation Operating Assistance (STOA) program provided in
18 17 N.Y.C.R.R. 975.18, on an annual basis for a period of no more than
19 two years.

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

22 PART G

23 Section 1. Section 351 of the public authorities law is amended by
24 adding a new subdivision 14 to read as follows:

1 14. The term "department" shall mean the department of transportation.

2 § 2. The public authorities law is amended by adding two new sections
3 357-b and 357-c to read as follows:

4 § 357-b. Sharing employees, services and resources. A shared services
5 agreement may be executed between the authority and the department to
6 share employees, services or resources as deemed appropriate including,
7 but not limited to, for the performance of work and activities by the
8 department on the facilities and property under the jurisdiction of the
9 authority, and for the performance of work and activities by the author-
10 ity on the facilities and property under the jurisdiction of the depart-
11 ment. Such agreement or any project undertaken pursuant to such agree-
12 ment shall not be deemed to impair the rights of bondholders and may
13 provide for, but not be limited to, the management, supervision and
14 direction of such employees' performance of such services.

15 § 357-c. Indemnification and defense under shared services agreement.

16 1. The authority shall defend any unit, entity, officer or employee of
17 the department, using the forces of the department of law pursuant to
18 section three hundred sixty-two of this title in any action, proceeding,
19 claim, demand or the prosecution of any appeal arising from or occa-
20 sioned by the acts or omissions to act in the performance of the func-
21 tions of the authority pursuant to a shared services agreement.

22 2. Defense pursuant to subdivision one of this section shall be condi-
23 tioned upon the full cooperation of the department.

24 3. The authority shall indemnify and hold harmless any unit, entity,
25 officer or employee of the department in the amount of any judgment
26 obtained against the department or in the amount of any settlement the
27 department enters into with the consent of the authority for any and all
28 claims, damages or liabilities arising from or occasioned by the acts or

omissions to act of the authority or its subsidiaries pursuant to a shared services agreement; provided, however, that the act or omission from which such judgment or settlement arose occurred while the authority or its subsidiaries was acting within the scope of its functions pursuant to a shared services agreement. No such settlement of any such action, proceeding, claim or demand shall be made without the approval of the board or its designee.

4. Any claim or proceeding commenced against any unit, entity, officer or employee of the authority that arises pursuant to any shared services agreement shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the authority, or to impair, alter, limit, modify, abrogate or restrict any right to defense and indemnification provided for any governmental officer or employee by, in accordance with, or by reason of, any other provision of state or federal statutory or common law.

5. This section shall not in any way affect the obligation of any claimant to give notice to the state and the authority under section ten and section eleven of the court of claims act or any other provision of law.

6. The provisions of this section shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any insurance agreement.

7. Notwithstanding any other provision of law, when employed pursuant to a shared services agreement, employees of the authority, and its subsidiaries and the department shall be deemed employees of all such entities and the state for purposes of the workers' compensation law.

1 § 3. Section 10-a of the highway law is amended by adding a new subdivi-
2 vision 13 to read as follows:

3 13. (a) The state shall defend any unit, entity, officer or employee
4 of the New York state thruway authority using the forces of the depart-
5 ment of law in any action, proceeding, claim, demand or the prosecution
6 of any appeal arising from or occasioned by the acts or omissions to act
7 in the performance of the functions of the department pursuant to a
8 shared services agreement.

9 (b) Defense pursuant to paragraph (a) of this subdivision shall be
10 conditioned upon the full cooperation of the New York state thruway
11 authority.

12 (c) The state shall indemnify and hold harmless any unit, entity,
13 officer or employee of the New York state thruway authority in the
14 amount of any judgment obtained against the New York state thruway
15 authority or in the amount of any settlement the New York state thruway
16 authority enters into with the consent of the state for any and all
17 claims, damages or liabilities arising from or occasioned by the acts or
18 omissions to act of the department pursuant to a shared services agree-
19 ment, provided, however, that the act or omission from which such judg-
20 ment or settlement arose occurred while the department was acting within
21 the scope of its functions pursuant to a shared services agreement. Any
22 such settlement shall be executed pursuant to section twenty-a of the
23 court of claims act.

24 (d) Any claim or proceeding commenced against any unit, entity, offi-
25 cer or employee of the department pursuant to any shared services agree-
26 ment shall not be construed in any way to impair, alter, limit, modify,
27 abrogate or restrict any immunity available to or conferred upon any
28 unit, entity, officer or employee of the department, or to impair,

1 alter, limit, modify, abrogate or restrict any right to defense and
2 indemnification provided for any governmental officer or employee by, in
3 accordance with, or by reason of, any other provision of state or feder-
4 al statutory or common law.

5 (e) This subdivision shall not in any way affect the obligation of any
6 claimant to give notice to the state under sections ten and eleven of
7 the court of claims act or any other provision of law.

8 (f) The provisions of this subdivision shall not be construed to
9 impair, alter, limit or modify the rights and obligations of any insurer
10 under any insurance agreement.

11 (g) Notwithstanding any other provision of law, employees of the thru-
12 way authority, its subsidiaries and the department shall be deemed
13 employees of all such entities and the state for purposes of the work-
14 ers' compensation law.

15 (h) Any payment made pursuant to this subdivision or any monies paid
16 for a claim against or settlement with the department or the New York
17 state thruway authority pursuant to this section and pursuant to a
18 shared services agreement shall be paid from appropriations for payment
19 by the state pursuant to the court of claims act.

20 § 4. Subdivision 1 of section 17 of the public officers law is amended
21 by adding a new paragraph (y) to read as follows:

22 (y) For purposes of this section, the term "employee" shall include
23 members of the board, officers and employees of the New York state thru-
24 way authority or its subsidiaries.

25 § 5. This act, being necessary for the prosperity of the state and its
26 inhabitants, shall be liberally construed to effect the purposes and
27 secure the beneficial intents hereof.

1 § 6. If any provision of any section of this act or the application
2 thereof to any person or circumstance shall be adjudged invalid by a
3 court of competent jurisdiction, such order or judgment shall be
4 confined in its operation to the controversy in which it was rendered,
5 and shall not affect or invalidate the remainder of any provision of any
6 section of this act or the application thereof to any other person or
7 circumstance and to this end the provisions of each section of this act
8 are hereby declared to be severable.

9 § 7. This act shall take effect immediately.

10 PART H

11 Section 1. Subdivision 15 of section 385 of the vehicle and traffic
12 law is amended by adding a new paragraph (1) to read as follows:

13 (1) When an annual permit is issued, pursuant to this subdivision, for
14 the operation of a vehicle with a maximum gross weight in excess of
15 eighty thousand pounds, such permit shall serve as proof of the maximum
16 gross weight allowed for such vehicle notwithstanding the maximum gross
17 weight for such vehicle as stated on the application for registration
18 provided that the operation of such vehicle is in compliance with the
19 terms of the annual permit issued and any requirements or conditions
20 applicable thereto.

21 § 2. Paragraph (b) of schedule F of subdivision 7 of section 401 of
22 the vehicle and traffic law, as amended by chapter 55 of the laws of
23 1992, is amended to read as follows:

(b) As used in this schedule, the term "snow plow" shall not include farm type tractors used exclusively for agricultural purposes, or for snow plowing other than for hire, as defined in section one hundred

1 twenty-five of this chapter, when used for plowing or removing snow,
2 provided such plowing or snow removal is not done for hire.

3 No person shall operate or move, or cause or knowingly permit to be
4 operated or moved on any public highway in this state any auto truck,
5 agricultural truck or light delivery car, registered in this state,
6 having a combined weight of vehicle and load in excess of the maximum
7 gross weight for such vehicle as stated on the application for registra-
8 tion. Such maximum gross weight [cannot] shall not be more than the
9 weight permitted under section three hundred eighty-five of this chapter
10 or the weight permitted by the rules or regulations of the department of
11 transportation of any city not wholly included within one county or
12 under permits that may be issued pursuant to such section, rules or
13 regulations whichever is the least restrictive.

14 § 3. Paragraph b of subdivision 9 of section 401 of the vehicle and
15 traffic law, as amended by chapter 847 of the laws of 1968, is amended
16 to read as follows:

17 b. Where a vehicle registered under the provisions of subdivisions
18 seven or eight of this section on the basis of maximum gross weight
19 requires a corrected registration because of a load in excess of the
20 maximum load as certified in the application for registration, or the
21 registrant desires to register the vehicle at a lower gross maximum
22 weight, an application shall be made for correct registration; provided,
23 however, that when an annual permit is issued pursuant to subdivision
24 fifteen of section three hundred eighty-five of this chapter for the
25 operation of a vehicle with a maximum gross weight in excess of eighty
26 thousand pounds, a corrected registration shall not be required pursuant
27 to this paragraph. Upon the surrendering of the certificate of registra-
28 tion and the payment of a fee of two dollars together with the balance

1 of the annual fee for the correct registration over the fee as previous-
2 ly registered, such corrected registration may be issued. No return of
3 any part of the fee paid for the previous registration shall be made in
4 case of a reduction of maximum gross weight certified in the application
5 for a corrected registration.

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

8 PART I

9 Section 1. Item 1 of clause (A) of subparagraph (ii) of paragraph (i)
10 of subdivision 1 of section 201 of the vehicle and traffic law, as
11 amended by section 1 of part CC of chapter 58 of the laws of 2011, is
12 amended to read as follows:

13 (1) fifty-five years where the conviction and suspension or revocation
14 order relates to a conviction, suspension or revocation by the holder of
15 any driver's license when operating a commercial motor vehicle, as
16 defined in subdivision four of section five hundred one-a of this chap-
17 ter, or by the holder of a commercial driver's license or commercial
18 learner's permit when operating any motor vehicle, who: has refused to
19 submit to a chemical test pursuant to section eleven hundred ninety-four
20 of this chapter or has been convicted of any of the following offenses:
21 any violation of subdivision one, two, two-a, three [or], four or four-a
22 of section eleven hundred ninety-two of this chapter, any violation of
23 subdivision one or two of section six hundred of this chapter, any felo-
24 ny involving the use of a motor vehicle, other than the use of a motor
25 vehicle in the commission of a felony involving manufacturing, distrib-
26 uting, dispensing a controlled substance; or the conviction, suspension

1 or revocation involves any of the following offenses while operating a
2 commercial motor vehicle: any violation of subdivision five or six of
3 section eleven hundred ninety-two of this chapter, driving a commercial
4 motor vehicle when as a result of prior violations committed while oper-
5 ating a commercial motor vehicle, the driver's commercial driver's
6 license or commercial learner's permit is suspended or revoked, or has
7 been convicted of causing a fatality through the negligent operation of
8 a commercial motor vehicle, including but not limited to the crimes of
9 vehicular manslaughter and criminally negligent homicide as set forth in
10 article one hundred twenty-five of the penal law;

11 § 2. Subdivision 6 of section 501-a of the vehicle and traffic law, as
12 added by chapter 173 of the laws of 1990, is amended to read as follows:

13 6. Tank vehicle. Any commercial motor vehicle designed to transport
14 any liquid or gaseous material within [a]: (i) A tank that is either
15 permanently or temporarily attached to the vehicle or the chassis and
16 has a rated capacity of one thousand gallons or more; or (ii) Multiple
17 tanks either permanently or temporarily attached or secured, when the
18 aggregate rated capacity of those tanks is one thousand gallons or more,
19 as determined by adding the capacity of each individual tank with a
20 capacity of more than one hundred nineteen gallons. [Such vehicles
21 include, but are not limited to, cargo and portable tanks, as defined in
22 49 CFR part 171. However, this definition does not include portable
23 tanks having a rated capacity under one thousand gallons.] Provided,
24 however, if a commercial motor vehicle transports one or more tanks that
25 are manifested either as empty or as residue and that are actually empty
26 or contain only residue, those tanks shall not be considered in deter-
27 mining whether the vehicle is a tank vehicle.

1 § 3. Paragraph (b) of subdivision 1 of section 503 of the vehicle and
2 traffic law, as amended by section 2 of part D of chapter 58 of the laws
3 of 2012, is amended to read as follows:

4 (b) An application for a license shall be valid for a period of time
5 specified by regulation of the commissioner not to exceed five years. A
6 learner's permit shall be valid from its issuance until the expiration
7 of the application for a driver's license for which it was issued.
8 Provided, however, a commercial learner's permit shall be valid for no
9 more than one hundred eighty days, except that such permit may be
10 renewed, in the commissioner's discretion, for an additional one hundred
11 eighty days. Provided, however, that a commercial learner's permit
12 issued by the commissioner in connection with an application for a
13 commercial driver's license shall be cancelled within sixty days of the
14 holder's medical certification status becoming "not-certified" based
15 upon: (i) the expiration of the holder's medical certification or
16 medical variance documentation required by the federal motor carrier
17 safety improvement act of 1999 and Part 383.71(h) of title 49 of the
18 code of federal regulations; (ii) the holder's failure to submit such
19 medical certification or medical variance documentation at such inter-
20 vals as required by the federal motor carrier safety improvement act of
21 1999 and Part 383.71(h) of title 49 of the code of federal regulations
22 and in a manner prescribed by the commissioner; or (iii) the receipt by
23 the commissioner of information from the issuing medical examiner or the
24 federal motor carrier safety administration that a medical certification
25 or medical variance was issued in error or rescinded. The commissioner
26 shall, upon a holder's status becoming "not-certified", notify the hold-
27 er of such commercial learner's permit issued in connection with a
28 commercial driver's license application by first class mail to the

1 address of such person on file with the department or at the current
2 address provided by the United States postal service of his or her
3 "not-certified" medical certification status and that the commercial
4 motor vehicle privileges of such commercial learner's permit will be
5 cancelled unless he or she submits a current medical certificate and/or
6 medical variance in accordance with Part 383.71(h) of title 49 of the
7 code of federal regulations or changes his or her self-certification to
8 driving only in excepted [or intrastate] commerce in accordance with
9 Part 383.71(b) [(ii) (B), (C) or (D)] (1) of title 49 of the code of feder-
10 al regulations.

11 § 4. Subdivision 6 of section 510 of the vehicle and traffic law is
12 amended by adding a new paragraph o to read as follows:

13 o. Notwithstanding the provisions of paragraph a of this subdivision,
14 where revocation is mandatory pursuant to subparagraph (iii) of para-
15 graph a of subdivision two of this section involving a violation of
16 section three hundred ninety-two of this chapter in relation to an
17 application for a commercial driver's license or a commercial learner's
18 permit, no new commercial driver's license or commercial learner's
19 permit shall be issued for at least one year, nor thereafter except in
20 the discretion of the commissioner.

21 § 5. Paragraph (b) of subdivision 3 of section 510-a of the vehicle
22 and traffic law, as amended by section 7 of part K of chapter 59 of the
23 laws of 2009, is amended, and two new subdivisions 9 and 10 are added to
24 read as follows:

25 (b) A commercial driver's license shall be suspended by the commis-
26 sioner for a period of one hundred twenty days where the holder is
27 convicted of three serious traffic violations as defined in subdivision
28 four of this section committed within a three year period, in separate

1 incidents whether such convictions occurred within or outside of this
2 state. [Such suspension shall take effect upon the termination of any
3 other suspension already in effect pursuant to paragraph (a) of this
4 subdivision or this paragraph.]

5 9. Application of disqualifications to holders of a commercial
6 learner's permit. Notwithstanding any other provision of law, any
7 provision of this chapter relating to the revocation, suspension, down-
8 grading, disqualification or cancellation of a commercial driver's
9 license shall apply in the same manner to a commercial learner's permit.

10 10. Consecutive disqualification periods. Notwithstanding any other
11 provision of law, any suspension, revocation or disqualification appli-
12 cable to the holder of a commercial driver's license or commercial
13 learner's permit that is required by Part 383.51 of title 49 of the code
14 of federal regulations and by the provisions of this chapter shall take
15 effect upon the expiration of the minimum period of any other suspen-
16 sion, revocation or disqualification of such license or permit that is
17 required by Part 383.51 of title 49 of the code of federal regulations
18 and by the provisions of this chapter.

19 § 6. Paragraph (d) of subdivision 1 of section 514 of the vehicle and
20 traffic law, as added by section 7 of part CC of chapter 58 of the laws
21 of 2011, is amended to read as follows:

22 (d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of
23 this subdivision, upon a judgment of conviction for a violation of any
24 provisions of this chapter or of any local law, rule, ordinance or regu-
25 lation relating to traffic (except one related to parking, stopping or
26 standing), the court or the clerk thereof shall, within ninety-six hours
27 of the imposition of the sentence, file the certificate required by
28 paragraph (a) of this subdivision, if the person convicted: (i) is the

1 holder of a commercial learner's permit or a commercial driver's license
2 issued by another state; or (ii) does not hold a commercial learner's
3 permit or a commercial driver's license, but has been issued a license
4 by another state and is convicted of a violation that was committed in a
5 commercial motor vehicle, as defined in subdivision four of section five
6 hundred one-a of this title.

7 § 7. Subdivisions 1 and 2 of section 514-a of the vehicle and traffic
8 law, as added by chapter 173 of the laws of 1990, are amended to read as
9 follows:

10 1. Each person who operates a commercial motor vehicle for a New York
11 state employer who is convicted of violating within or outside of this
12 state, in any type of motor vehicle, a state or local law relating to
13 motor vehicle traffic control (other than a parking violation), shall
14 notify his/her current employer of such conviction. [Any person who
15 holds a commercial driver's license issued by the commissioner who does
16 not operate a commercial motor vehicle for a New York state employer or
17 who operates a commercial motor vehicle while self-employed who is
18 convicted in any other state, the District of Columbia or a Canadian
19 province of violating any law relating to motor vehicle traffic control
20 (other than a parking violation) while operating a commercial motor
21 vehicle shall notify the commissioner of such conviction.] Such notifi-
22 cation must be made within thirty days after the date that the person
23 has been convicted except that if a person is a bus driver as defined in
24 section five hundred nine-a of this chapter, such notification must be
25 made within five days after the date the person has been convicted as
26 required by section five hundred nine-i of this chapter. The above
27 notification must be made in writing and contain the following informa-
28 tion: (a) driver's full name; (b) driver's license number; (c) date of

1 conviction; (d) the specific criminal or other offense(s), serious traf-
2 fic violation(s) of state or local law relating to motor vehicle traffic
3 control, for which the person was convicted and any suspension, revoca-
4 tion, cancellation of any driving privileges or disqualification from
5 operating a commercial motor vehicle which resulted from such
6 conviction(s); (e) indication whether the violation was in a commercial
7 motor vehicle; (f) location of offense; (g) court or tribunal in which
8 the conviction occurred; and (h) driver's signature.

9 2. Each person who operates a commercial motor vehicle for a New York
10 state employer who has a commercial learner's permit or a driver's
11 license suspended, revoked, or canceled by the commissioner or by the
12 appropriate authorities of any other state, District of Columbia or
13 Canadian province, or who loses the right to operate a commercial motor
14 vehicle in any state or jurisdiction for any period, or who is disquali-
15 fied from operating a commercial motor vehicle for any period, shall
16 notify his/her current employer of such suspension, revocation, cancel-
17 lation, lost privilege, or disqualification.

18 § 8. Section 514-c of the vehicle and traffic law, as added by chapter
19 251 of the laws of 2007, is amended to read as follows:

20 § 514-c. Notification of non-resident commercial operator convictions.
21 Within ten days of the conviction of: (a) any holder of a commercial
22 learner's permit or a commercial driver's license issued by another
23 state for any violation of state or local law regulating traffic, other
24 than a parking, stopping or standing violation, committed while operat-
25 ing a motor vehicle in this state; or

26 (b) any holder of a driver's license issued by another state for any
27 violation of state or local law regulating traffic, other than a park-
28 ing, stopping or standing violation, committed while operating a commer-

1 cial motor vehicle in this state, the commissioner shall provide notice
2 of such conviction to the state which issued such holder's commercial
3 learner's permit, commercial driver's license or driver's license.

4 § 9. Subdivision 9 of section 170.55 of the criminal procedure law, as
5 added by section 8 of part CC of chapter 58 of the laws of 2011, is
6 amended to read as follows:

7 9. Notwithstanding any other provision of this section, a court may
8 not issue an order adjourning an action in contemplation of dismissal if
9 the offense is for a violation of the vehicle and traffic law related to
10 the operation of a motor vehicle (except one related to parking, stop-
11 ping or standing), or a violation of a local law, rule or ordinance
12 related to the operation of a motor vehicle (except one related to park-
13 ing, stopping or standing), if such offense was committed by the holder
14 of a commercial learner's permit or a commercial driver's license or was
15 committed in a commercial motor vehicle, as defined in subdivision four
16 of section five hundred one-a of the vehicle and traffic law.

17 § 10. Paragraph c of subdivision 2 of section 140 of the transporta-
18 tion law is amended by adding a new subparagraph (vii) to read as
19 follows:

20 (vii) No person, corporation, limited liability company or business
21 entity, joint stock association, partnership, or any officer or agent
22 thereof, shall knowingly allow, require, permit or authorize any person
23 to operate a commercial motor vehicle, as defined in section five
24 hundred one-a of the vehicle and traffic law, during any period in which
25 the operator:

26 (a) does not have a valid commercial learner's permit or commercial
27 driver's license; or

1 (b) does not have a commercial learner's permit or commercial driver's
2 license with the proper class or endorsements; or

3 (c) violates any restriction on such operator's commercial learner's
4 permit or commercial driver's license; or

5 (d) has a commercial learner's permit or commercial driver's license
6 that is suspended, revoked or cancelled, or such operator has been
7 otherwise disqualified by the commissioner of motor vehicles; or

8 (e) has more than one commercial learner's permit or commercial driv-
9 er's license.

10 A violation of this subparagraph shall be punishable by a fine of not
11 less than five hundred dollars nor more than one thousand dollars.

12 § 11. This act shall take effect July 8, 2015 and shall apply to
13 violations committed on or after such date, and shall apply to permits
14 issued on or after such date.

15 PART J

16 Section 1. Subdivision 2 of section 357-a of the public authorities
17 law, as added by section 1 of part E of chapter 58 of the laws of 2013,
18 is amended to read as follows:

19 2. The state shall be responsible for additional goods and services
20 provided by the authority equal to [twenty-four million] twenty-one
21 million five hundred thousand dollars in each calendar year. Such goods
22 and services shall be deemed to be costs to the state and not operating
23 costs of the authority. The authority and the director of the division
24 of the budget shall enter into an agreement identifying any such state
25 costs and determine reporting and other requirements related thereto.

1 Such agreement and any amendments thereto shall be transmitted by the
2 authority, within ten business days of the execution of such agreement
3 and amendments thereto, to the chair of the senate finance committee,
4 the chair of the assembly ways and means committee, the chair of the
5 senate transportation committee and the chair of the assembly transpor-
6 tation committee. By February first of each year, a report identifying
7 all state costs paid pursuant to such agreement in the preceding calen-
8 dar year will be transmitted by the authority to the director of the
9 budget, the chair of the senate finance committee, the chair of the
10 assembly ways and means committee, the chair of the senate transporta-
11 tion committee and the chair of the assembly transportation committee.

12 § 2. This act shall take effect immediately and shall be deemed to
13 have been in full force and effect on and after January 1, 2015.

14 PART K

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.

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

3. For purposes of this section, the term "owner" shall mean any person, corporation, partnership, firm, agency, association, lessor or organization who, [at the time of the violation] when the obligation to pay the toll is incurred and with respect to the vehicle identified in the notice of liability: (a) is the beneficial or equitable owner of such vehicle; or (b) has title to such vehicle; or (c) is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or (d) subject to the limitations set forth in subdivision ten of this section, uses such vehicle in its vehicle renting and/or leasing business; and includes (e) a person entitled to the use and possession of a vehicle subject to a security interest in another person. For purposes of this section, the term "photo-monitoring system" shall mean a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in [violation of toll collection regulations] or upon a toll facility. For purposes of this section, the term "toll collection regulations" shall mean: those rules and regulations of a public authority providing for and requiring the payment of tolls and/or charges prescribed by such public authority for the use of bridges, tunnels or highways under its jurisdiction or those rules and regulations of a public authority making it unlawful to refuse to pay or to evade or to attempt to evade the payment of all or part of any toll and/or charge 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
26 [liability] use of the toll facility by such vehicle was issued [pursu-
27 ant to subdivision seven of this section] shall not be liable for [the
28 violation] payment of the [toll collection regulation] tolls and other

1 charges and fees provided that he or she sends to the public authority
2 [serving the notice of liability and to the court or other entity
3 having jurisdiction] or its duly authorized agent for this purpose a
4 copy of the rental, lease or other such contract document covering such
5 vehicle on the date of [the violation] use of the toll facility, with
6 the name and address of the lessee clearly legible, within thirty days
7 after receiving the [original] first notice of [liability] use of the
8 toll facility by such vehicle. Failure to send such information within
9 such thirty day time period shall render the lessor liable for payment
10 of the tolls and other charges and fees and any penalty prescribed by
11 this section. Where the lessor complies with the provisions of this
12 subdivision, the lessee of such vehicle on the date of such [violation]
13 use of the toll facility shall be deemed to be the owner of such vehicle
14 for purposes of this section and shall be [subject to liability for the
15 violation of toll collection regulations, provided that] liable for
16 payment of the tolls and other charges and fees, and the public authori-
17 ty [mails a] or its duly authorized agent for this purpose shall send
18 any notice of liability to the lessee within [ten days after the court,
19 or other entity having jurisdiction, deems the lessee to be the owner]
20 one hundred twenty days after the violation in accordance with paragraph
21 (a) of subdivision seven of this section. For purposes of this subdivi-
22 sion the term "notice of use of the toll facility" shall mean a notice
23 of delinquency issued pursuant to subdivision twelve of this section, or
24 a notice of violation issued pursuant to subdivision seventeen of this
25 section, or a toll invoice seeking to collect tolls and other charges
26 issued pursuant to a toll collection regulation. For purposes of this
27 subdivision the term "lessor" shall mean any person, corporation, firm,
28 partnership, agency, association or organization engaged in the business

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

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

10 11. Except as provided in subdivision ten of this section, if a person
11 receives a notice of liability pursuant to this section it shall be a
12 valid defense to an allegation of liability for a violation of toll
13 collection regulations that the individual who received the notice of
14 liability pursuant to this section was not the owner of the vehicle at
15 the time the [violation occurred] obligation for payment of the toll and
16 other charges was incurred. If the owner liable for a violation of toll
17 collection regulations pursuant to this section was not the operator of
18 the vehicle at the time of the violation, the owner may maintain an
19 action for indemnification against the operator.

20 § 10. Subdivision 12 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 12. "Electronic toll collection system" shall mean a system of
23 collecting tolls or other charges [which is capable of charging an
24 account holder the appropriate toll or charge by transmission of infor-
25 mation from an electronic device on a motor vehicle to the toll lane,
26 which information is used to charge the account the appropriate toll or
27 charge] using electronic data and images. In adopting procedures for
28 the preparation and mailing of a notice of liability, the public author-

ity having jurisdiction over the toll facility shall adopt guidelines to ensure adequate and timely notice to all electronic toll collection system account holders to inform them when their accounts are delinquent. An owner who is an account holder under the electronic toll collection system shall not be found liable for a violation of this section unless such authority has first sent a notice of delinquency to such account holder and the account holder was in fact delinquent at the time of the violation.

§ 11. Section 2985 of the public authorities law is amended by adding four new subdivisions 15, 16, 17 and 18 to read as follows:

15. In addition to any monetary liability that may be imposed pursuant to this section, a public authority that operates a toll highway, bridge or tunnel facility is hereby authorized and empowered to impose an administrative fee or fees on an owner, an operator or an account holder that has violated toll collection regulations.

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

17. In adopting procedures for the preparation and sending of a notice of liability, the public authority having jurisdiction over the toll facility shall adopt guidelines to ensure adequate and timely notice to owners to inform an owner that the owner's vehicle has used a toll facility without paying the toll in violation of the rules and regulations of the public authority. An owner shall not be found liable for a violation of this section unless such authority has first sent a notice of violation to such owner.

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

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

17 (o) are data or images produced by an electronic toll collection
18 system under authority of section two thousand nine hundred eighty-five
19 of the public authorities law.

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

23 4-d. Suspension of registration for failure to answer or pay penalties
24 with respect to certain violations. Upon the receipt of a notification,
25 in the manner and form prescribed by the commissioner, from a court
26 [or], an administrative tribunal, a public authority, or any other
27 public entity imposing violations, that an owner of a motor vehicle
28 failed to appear on the return date or dates or a new subsequent

1 adjourned date or dates or failed to pay any penalty imposed by a court
2 or failed to comply with the rules and regulations of an administrative
3 tribunal following entry of a final decision or decisions, in response
4 to [five] three or more notices of liability or other process, issued
5 within an eighteen month period from any and all jurisdictions charging
6 such owner with a violation of toll collection regulations in accordance
7 with the provisions of section two thousand nine hundred eighty-five of
8 the public authorities law or sections sixteen-a, sixteen-b and
9 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
10 hundred fifty, and that the owner has been given written notice that the
11 court, administrative tribunal, public authority or any other public
12 entity is seeking to have the commissioner or his or her agent take
13 action hereunder, the commissioner or his or her agent shall suspend the
14 registration of the vehicle or vehicles involved in the violation or the
15 privilege of operation of any motor vehicle owned by the registrant.
16 Such suspension shall take effect no less than thirty days from the date
17 on which notice thereof is sent by the commissioner to the person whose
18 registration or privilege is suspended and shall remain in effect until
19 such registrant has appeared in response to such notices of liability or
20 has paid such penalty or in the case of an administrative tribunal, the
21 registrant has complied with the rules and regulations following the
22 entry of a final decision or decisions.

23 § 14. Subdivision 8 of section 402 of the vehicle and traffic law, as
24 amended by chapter 61 of the laws of 1989 and as renumbered by chapter
25 648 of the laws of 2006, is amended and a new subdivision 9 is added to
26 read as follows:

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

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

7 § 15. Subdivision 5-a of section 401 of the vehicle and traffic law is
8 amended by adding a new paragraph b-1 to read as follows:

9 b-1. If at the time of application for a registration or renewal ther-
10 eof there is a certification, in the manner and form prescribed by the
11 commissioner, from a court, an administrative tribunal, a public author-
12 ity or any other public entity imposing violations, that the registrant
13 or his or her representative failed to appear on the return date or
14 dates or a new subsequent adjourned date or dates or failed to pay any
15 penalty imposed by a court or failed to comply with the rules and regu-
16 lations of an administrative tribunal following entry of a final deci-
17 sion or decisions, in response to three or more notices of liability or
18 other process, issued within an eighteen month period from any and all
19 jurisdictions charging such registrant with a violation of toll
20 collection regulations in accordance with the provisions of section two
21 thousand nine hundred eighty-five of the public authorities law or
22 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
23 seventy-four of the laws of nineteen hundred fifty, and that the regis-
24 trant has been given written notice that the court, administrative
25 tribunal, public authority or any other public entity is seeking to have
26 the commissioner or his or her agent take action hereunder, the commis-
27 sioner or his or her agent shall deny the registration or renewal appli-
28 cation until the applicant provides proof from the court or administra-

1 tive tribunal wherein the charges are pending that an appearance or
2 answer has been made or in the case of an administrative tribunal that
3 he or she has complied with the rules and regulations of said tribunal
4 following entry of a final decision. Where an application is denied
5 pursuant to this section, the commissioner may, in his or her
6 discretion, deny a registration or renewal application to any other
7 person for the same vehicle and may deny a registration or renewal
8 application for any other motor vehicle registered in the name of the
9 applicant where the commissioner has determined that such registrant's
10 intent has been to evade the purposes of this subdivision and where the
11 commissioner has reasonable grounds to believe that such registration or
12 renewal will have the effect of defeating the purposes of this subdivi-
13 sion. Such denial shall only remain in effect as long as the summonses
14 remain unanswered, or in the case of an administrative tribunal, the
15 registrant fails to comply with the rules and regulations following
16 entry of a final decision.

17 § 16. The vehicle and traffic law is amended by adding a new section
18 518 to read as follows:

19 § 518. Reciprocal agreements concerning suspension or denial of regis-
20 tration of a motor vehicle for violations of toll collection regu-
21 lations. 1. The commissioner may execute a reciprocal compact or agree-
22 ment regarding toll collection violations with the motor vehicle
23 administrator or other authorized official of another state not incon-
24 sistent with the provisions of this chapter. Such compact or agreement
25 shall provide that if a registration of a motor vehicle would be
26 suspended pursuant to subdivision four-d of section five hundred ten of
27 this article, or pursuant to a comparable law or regulation of another
28 state, or if the registration or renewal of a motor vehicle would be

1 denied pursuant to subdivision five-a of section four hundred one of
2 this chapter, or pursuant to a comparable law or regulation of another
3 state, because an owner of a motor vehicle (a) failed to appear, (b)
4 failed to pay any penalty imposed by a court, or (c) failed to comply
5 with the rules and regulations of an administrative tribunal following
6 entry of a final decision in response to three or more notices of
7 liability of other process issued within an eighteen-month period in
8 accordance with the provisions of section two thousand nine hundred
9 eighty-five of the public authorities law or sections one through
10 sixteen and sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
11 seventy-four of the laws of nineteen hundred fifty, or with any compara-
12 ble law or regulation of another state, then the state issuing the
13 registration shall likewise suspend the registration or deny the regis-
14 tration or renewal, until such registrant or applicant has appeared in
15 response to such notices of liability, or has paid such penalty, or, in
16 the case of an administrative tribunal, the registrant or applicant has
17 complied with the rules and regulations following the entry of a final
18 decision or decisions.

19 2. Such compact or agreement shall also provide such terms and proce-
20 dures as are necessary and proper to facilitate its administration. Any
21 such compact or agreement shall specify the violations subject to the
22 compact or agreement, and shall include a determination of comparable
23 violations in each state if any such violations are of a substantially
24 similar nature but are not denominated or described in precisely the
25 same words in each party state.

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

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

4 b. No charge may be established except upon proof by substantial
5 evidence; except that for an allegation of liability in accordance with
6 section two thousand nine hundred eighty-five of the public authorities
7 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
8 hundred seventy-four of the laws of nineteen hundred fifty, no charge
9 may be established except upon proof by preponderance of evidence as
10 submitted.

11 § 18. Subdivision 10 of section 1209-a of the public authorities law,
12 as amended by chapter 379 of the laws of 1992, is amended to read as
13 follows:

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

26 § 19. Section 1209-a of the public authorities law is amended by
27 adding a new subdivision 11 to read as follows:

1 11. Notice. Any notice or communication required to be sent pursuant
2 to this section by registered mail or certified mail may instead be sent
3 by first class mail or, with consent, by electronic means of communi-
4 cation.

5 § 20. Section 2 of chapter 774 of the laws of 1950, relating to agree-
6 ing with the state of New Jersey with respect to rules and regulations
7 governing traffic on vehicular crossings operated by the port of New
8 York authority, is amended to read as follows:

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

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

21 § 16-a. Owner liability for failure of operator to comply with toll
22 collection regulations of the port authority. Notwithstanding any other
23 provision of law and in accordance with the provisions of [section]
24 sections 16-b and 16-c of this act, an owner of a vehicle may be held
25 liable for failure of an operator thereof to comply with the toll
26 collection regulations of the port authority of New York and New Jersey
27 (hereinafter called port authority). The owner of a vehicle shall be
28 liable pursuant to this section if such vehicle was used or operated

1 with the permission of the owner, express or implied, in violation of
2 the toll collection regulations of the port authority, and such
3 violation is evidenced by information obtained from a photo-monitoring
4 system, provided, however, that no owner of a vehicle shall be liable
5 where the operator of such vehicle has been convicted of a violation of
6 those toll collection regulations for the same incident.

7 § 22. Section 16-b of chapter 774 of the laws of 1950, relating to
8 agreeing with the state of New Jersey with respect to rules and regu-
9 lations governing traffic on vehicular crossings operated by the port of
10 New York authority, as added by chapter 379 of the laws of 1992, subdi-
11 vision f as amended by chapter 666 of the laws of 1993, is amended to
12 read as follows:

13 § 16-b. Imposition of liability for failure of operator to comply with
14 toll collection regulations of the port authority. The liability set
15 forth in section 16-a of this act, shall be imposed upon an owner for a
16 violation by an operator of the toll collection regulations of the port
17 authority occurring within the territorial limits of the state of New
18 York in accordance with the following:

19 a. For the purposes of this section and sections 16-a and 16-c of this
20 act, the term "owner" shall mean any person, corporation, partnership,
21 firm, agency, association, lessor, or organization who, [at the time of
22 the violation in any city in which a vehicle is operated] when the obli-
23 gation to pay the toll is incurred: (i) is the beneficial or equitable
24 owner of such vehicle; or (ii) has title to such vehicle; or (iii) is
25 the registrant or co-registrant of such vehicle which is registered with
26 the department of motor vehicles of this state or any other state,
27 territory, district, province, nation or other jurisdiction; or (iv)
28 subject to the limitations set forth in subdivision f of this section,

1 uses such vehicle in its vehicle renting and/or leasing business; and
2 includes (v) a person entitled to the use and possession of a vehicle
3 subject to a security interest in another person. For the purposes of
4 this section, the term "operator" shall mean any person, corporation,
5 firm, partnership, agency, association, organization or lessee that uses
6 or operates a vehicle with or without the permission of the owner, and
7 an owner who operates his or her own vehicle. For purposes of this
8 section and section 16-a of this act, the term "electronic toll
9 collection system" shall mean a system for collecting tolls or other
10 charges using electronic data and images. For purposes of this section,
11 the term "photo-monitoring system" shall mean a vehicle sensor installed
12 to work in conjunction with a toll collection facility which automat-
13 ically produces one or more photographs, one or more microphotographs, a
14 videotape, or other recorded images of each vehicle at the time it is
15 used or operated in [violation of the toll collection regulations of the
16 port authority] or upon vehicular crossings operated by the port author-
17 ity. For purposes of this section and sections 16-a and 16-c of this
18 act, the term "toll collection regulations of the port authority" shall
19 refer to the traffic regulations for interstate vehicular crossings
20 operated by the port authority as set forth in this chapter and in chap-
21 ter 192 of the laws of New Jersey of 1950, and specifically that section
22 of the laws which prohibits traffic in or upon vehicular crossings oper-
23 ated by the port authority except upon the payment of such tolls and
24 other charges as may from time to time be prescribed by the port author-
25 ity and which further makes it unlawful for any person to refuse to pay,
26 or to evade or to attempt to evade the payment of such tolls or other
27 charges. For purposes of this section and section 16-a of this act, the
28 term "vehicle" shall mean every device in, upon, or by which a person or

1 property is or may be transported or drawn upon a highway[, except
2 devices used exclusively upon stationary rails or tracks].

3 b. A certificate, sworn to or affirmed by an agent of the port author-
4 ity, or a facsimile thereof, based upon inspection of [photographs,
5 microphotographs, videotape or other recorded images] data or images
6 produced by [a photo-monitoring system] its electronic toll collection
7 system or other records maintained by or on behalf of the port authority
8 regarding toll violations shall be prima facie evidence of the facts
9 contained therein and shall be admissible in any proceeding charging a
10 violation of toll collection regulations of the port authority, provided
11 that any [photographs, microphotographs, videotape or other recorded
12 images] such data, images, or records evidencing such a violation shall
13 be available for inspection and admission into evidence in any proceed-
14 ing to adjudicate the liability for such violation.

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

23 d. (i) A notice of liability shall be sent by first class mail or,
24 with consent, by electronic means of communication to each person
25 alleged to be liable [as an owner] for a violation pursuant to this
26 section of the toll collection regulations of the port authority. Such
27 notice shall be [mailed] sent no later than [thirty] one hundred twenty
28 days after the alleged violation. Personal delivery [on the owner] shall

1 not be required. A manual or automatic record of [mailing] sending the
2 notice prepared in the ordinary course of business shall be prima facie
3 evidence of the [mailing] sending of the notice.

4 (ii) A notice of liability shall contain the name and address of the
5 person alleged to be liable [as an owner] for a violation of the toll
6 collection regulations of the port authority pursuant to this section,
7 the registration number and state of registration of the vehicle
8 involved in such violation, the [location where such violation took
9 place, the date and time] locations, dates and times of each use of the
10 vehicular crossing that forms the basis of such violation, the amount of
11 the assessed tolls and other charges, and the identification number of
12 the [photo-monitoring system] electronic toll collection system which
13 recorded the [violation] use or other document locator number.

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

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

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

1 pursuant to this section for any time period during which the vehicle
2 was stolen, but not as yet reported to the police as having been stolen,
3 it shall be a valid defense to an allegation of liability for a
4 violation of toll collection regulations of the port authority pursuant
5 to this section that the vehicle was reported as stolen within two hours
6 after discovery of the theft by the owner. For purposes of asserting the
7 defense provided by this subdivision, it shall be sufficient that a
8 certified copy of the police report on the stolen vehicle be sent by
9 first class mail to the court or other entity having jurisdiction.

10 f. An owner, as defined in subdivision a of this section, who is a
11 lessor of a vehicle to which a notice of [liability] use of the vehicu-
12 lar crossing by such vehicle was issued [pursuant to subdivision d of
13 this section] shall not be liable [pursuant to this section] for [the
14 violation of the toll collection regulations of the port authority]
15 payment of the tolls and other charges and fees provided that he or she
16 sends to the port authority [serving the notice of liability and to the
17 court or other entity having jurisdiction] or its duly authorized agent
18 for this purpose a copy of the rental, lease or other such contract
19 document covering such vehicle on the date of the [violation] use of the
20 vehicular crossing, with the name and address of the lessee clearly
21 legible, within thirty days after receiving from the port authority or
22 its duly authorized agent [the original] for this purpose the first
23 notice of [liability] use of the vehicular crossing by such vehicle.
24 Failure to send such information within such thirty day time period
25 shall render the lessor liable for payment of the tolls and other charg-
26 es and fees and any penalty prescribed by this section. Where the lessor
27 complies with the provisions of this subdivision, the lessee of such
28 vehicle on the date of such [violation] use of the vehicular crossing

1 shall be deemed to be the owner of such vehicle for purposes of this
2 section and shall be [subject to liability for the violation of toll
3 collection regulations of the port authority provided that] liable for
4 payment of the tolls and other charges and fees, and the port authority
5 or its duly authorized agent [mails a] shall send any notice of liabil-
6 ity to the lessee within [ten days after the court, or other entity
7 having jurisdiction, deems the lessee to be the owner] one hundred twen-
8 ty days after the violation in accordance with subdivision d of this
9 section. For purposes of this subdivision the term "notice of use of
10 the vehicular crossing" shall mean a notice of delinquency or a notice
11 of violation issued pursuant to subdivision h of this section or a toll
12 invoice seeking to collect tolls and other charges issued pursuant to
13 toll collection regulations of the port authority. For purposes of this
14 subdivision the term "lessor" shall mean any person, corporation, firm,
15 partnership, agency, association or organization engaged in the business
16 of renting or leasing vehicles to any lessee under a rental agreement,
17 lease or otherwise wherein the said lessee has the exclusive use of said
18 vehicle for any period of time. For the purposes of this subdivision,
19 the term "lessee" shall mean any person, corporation, firm, partnership,
20 agency, association or organization that rents, leases or contracts for
21 the use of one or more vehicles and has exclusive use thereof for any
22 period of time.

23 g. Except as provided in subdivision f of this section, if a person
24 receives a notice of liability pursuant to this section it shall be a
25 valid defense to an allegation of liability for a violation of toll
26 collection regulations of the port authority that the individual who
27 received the notice of liability pursuant to this section was not the
28 owner of the vehicle at the time the [violation] use of the vehicular

1 crossing occurred. If the owner liable for a violation of the toll
2 collection regulations of the port authority pursuant to this section
3 was not the operator of the vehicle at the time of the [violation] use
4 of the vehicular crossing, the owner may maintain an action for indemni-
5 fication against the operator. The operator of the vehicle may apply to
6 the court or other entity having jurisdiction to adjudicate the liabil-
7 ity imposed under this section to accept responsibility for the
8 violation and satisfactorily discharge all applicable tolls, charges,
9 fees, and penalties related to the violation.

10 h. ["Electronic toll collection system" shall mean a system of
11 collecting tolls or charges which is capable of charging an account
12 holder the appropriate toll or charge by transmission of information
13 from an electronic device on a motor vehicle to the toll lane, which
14 information is used to charge the account the appropriate toll or
15 charge.] In adopting procedures for the preparation and [mailing] send-
16 ing of a notice of liability, the port authority or its duly authorized
17 agent shall adopt guidelines [to ensure] for sending by first class mail
18 or, with consent, by electronic means of communication, adequate and
19 timely notice to all electronic toll collection system account holders
20 to inform them when their accounts are delinquent as well as adequate
21 and timely notice to owners to inform an owner that the owner's vehicle
22 has used a vehicular crossing without paying the toll in violation of
23 the toll collection regulations of the port authority. An owner shall
24 not be found liable for a violation of this section unless such authori-
25 ty or its duly authorized agent has first sent a notice of violation to
26 such owner. An owner who is an account holder under the electronic toll
27 collection system shall not be found liable for a violation of this
28 section unless such authority has first sent a notice of delinquency to

1 such account holder and the account holder was in fact delinquent at the
2 time of the violation.

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

11 j. Notwithstanding any other provision of law, all photographs, micro-
12 photographs, videotape or other recorded images prepared pursuant to
13 this section shall be for the exclusive use of the port authority in the
14 discharge of its duties under this section and shall not be open to the
15 public nor be used in any court in any action or proceeding pending
16 therein unless such action or proceeding relates to the imposition of or
17 indemnification for liability pursuant to this section. The port author-
18 ity or its duly authorized agent shall not sell, distribute or make
19 available in any way, the names and addresses of electronic toll
20 collection system account holders, or any information compiled from
21 transactions with such account holders, without such account holders'
22 consent to any entity that will use such information for any commercial
23 purpose provided that the foregoing restriction shall not be deemed to
24 preclude the exchange of such information between any entities with
25 jurisdiction over and or operating a toll highway bridge and/or tunnel
26 facility.

27 § 23. Section 16-c of chapter 774 of the laws of 1950, relating to
28 agreeing with the state of New Jersey with respect to rules and regu-

1 lations governing traffic on vehicular crossings operated by the port of
2 New York authority, as added by chapter 379 of the laws of 1992, is
3 amended to read as follows:

4 § 16-c. Adjudication of liability. Adjudication of the liability
5 imposed upon an owner by section 16-a of this act for a violation of the
6 toll collection regulations of the port authority occurring within the
7 territorial limits of the state of New York shall be in accordance with
8 the vehicle and traffic law of New York as set forth in sections 235,
9 236, 237, 239, 240, 241, 242, 401, 402, 510 and 1809 of such law, or by
10 such entity having jurisdiction over violations of the toll collection
11 regulations of the port authority occurring within the territorial
12 limits of the state of New York, provided that all violations shall be
13 heard and determined in the county in which [the violation is alleged to
14 have occurred, or by consent of both parties,] obligation for payment of
15 the tolls or other charges was incurred, or in any county in the state
16 of New York in which the port authority operates or maintains a facili-
17 ty. An owner found liable for a violation of toll collection regulations
18 pursuant to this section shall for a first violation thereof be liable
19 for the full amount of the assessed toll and other charges and fees in
20 addition to a monetary penalty not to exceed [fifty] one hundred dollars
21 or two times the toll evaded whichever is greater; for a second
22 violation thereof both within eighteen months be liable for the full
23 amount of the assessed toll and other charges and fees in addition to a
24 monetary penalty not to exceed [one] two hundred dollars or five times
25 the toll evaded whichever is greater; for a third or subsequent
26 violation thereof all within eighteen months be liable for the full
27 amount of the assessed toll and other charges and fees in addition to a
28 monetary penalty not to exceed [one] three hundred [fifty] dollars or

1 ten times the toll evaded whichever is greater. The full amount of the
2 assessed tolls and other charges and fees and one-half of such monetary
3 penalties collected shall be paid to the port authority; the remaining
4 half of such monetary penalties collected shall be retained or distrib-
5 uted by the tribunal or entity adjudicating the violation in accordance
6 with existing law.

7 § 24. This act shall take effect on the one hundred twentieth day
8 after it shall have become a law.

9 PART L

10 Section 1. Subdivision 6 of section 1209 of the public authorities
11 law, as amended by chapter 98 of the laws of 2011, is amended to read as
12 follows:

13 6. The provisions of subdivisions one, two, three and four of this
14 section shall not be applicable to any procurement by the authority
15 commenced during the period from the effective date of this subdivision
16 until December thirty-first, nineteen hundred ninety-one or during the
17 period from December sixteenth, nineteen hundred ninety-three until June
18 thirtieth, two thousand [fifteen] nineteen; and the provisions of subdi-
19 visions seven, eight, nine, ten, eleven, twelve and thirteen of this
20 section shall only apply to procurements by the authority commenced
21 during such periods. The provisions of such subdivisions one, two, three
22 and four shall apply to procurements by the authority commenced during
23 the period from December thirty-first, nineteen hundred ninety-one until
24 December sixteenth, nineteen hundred ninety-three, and to procurements
25 by the authority commenced on and after July first, two thousand
26 [fifteen] nineteen. Notwithstanding the foregoing, the provisions of

1 such subdivisions one, two, three and four shall apply to (i) the award
2 of any contract of the authority if the bid documents for such contract
3 so provide and such bid documents are issued within sixty days of the
4 effective date of this subdivision or within sixty days of December
5 sixteenth, nineteen hundred ninety-three, or (ii) for a period of one
6 hundred eighty days after the effective date of this subdivision, or for
7 a period of one hundred eighty days after December sixteenth, nineteen
8 hundred ninety-three, the award of any contract for which an invitation
9 to bid, solicitation, request for proposal, or any similar document has
10 been issued by the authority prior to the effective date of this subdivi-
11 vision or during the period from January first, nineteen hundred nine-
12 ty-two until December fifteenth, nineteen hundred ninety-three.

13 § 2. Subdivision 1 of section 1265-a of the public authorities law, as
14 amended by chapter 98 of the laws of 2011, is amended to read as
15 follows:

16 1. The provisions of this section shall only apply to procurements by
17 the authority commenced during the period from April first, nineteen
18 hundred eighty-seven until December thirty-first, nineteen hundred nine-
19 ty-one, and during the period from December sixteenth, nineteen hundred
20 ninety-three until June thirtieth, two thousand [fifteen] nineteen;
21 provided, however, that the provisions of this section shall not apply
22 to (i) the award of any contract of the authority if the bid documents
23 for such contract so provide and such bid documents are issued within
24 sixty days of the effective date of this section or within sixty days of
25 December sixteenth, nineteen hundred ninety-three, or (ii) for a period
26 of one hundred eighty days after the effective date of this section or
27 for a period of one hundred eighty days after December sixteenth, nine-
28 teen hundred ninety-three, the award of any contract for which an invi-

tation to bid, solicitation, request for proposal, or any similar document has been issued by the authority prior to the effective date of this section or during the period from January first, nineteen hundred ninety-two until December sixteenth, nineteen hundred ninety-three.

§ 3. This act shall take effect immediately.

PART M

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part Z of chapter 57 of the laws of 2014, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [2015] 2016.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2015.

PART N

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part AA of chapter 57 of the laws of 2014, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [2015] 2016, at which time the provisions of subdivision 26 of section 5 of the New York state

1 urban development corporation act shall be deemed repealed; provided,
2 however, that neither the expiration nor the repeal of such subdivision
3 as provided for herein shall be deemed to affect or impair in any manner
4 any loan made pursuant to the authority of such subdivision prior to
5 such expiration and repeal.

6 § 2. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after July 1, 2015.

8 PART O

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

13 § 2. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after April 1, 2015.

15 PART P

16 Section 1. Expenditures of moneys by the energy research and develop-
17 ment authority for services and expenses of the energy research, devel-
18 opment and demonstration program, including grants, the energy policy
19 and planning program, and the Fuel NY program shall be subject to the
20 provisions of this section. Notwithstanding the provisions of subdivi-
21 sion 4-a of section 18-a of the public service law, all moneys committed
22 or expended in an amount not to exceed \$19,700,000 shall be reimbursed
23 by assessment against gas corporations, as defined in subdivision 11 of
24 section 2 of the public service law and electric corporations as defined

1 in subdivision 13 of section 2 of the public service law, where such gas
2 corporations and electric corporations have gross revenues from intra-
3 state utility operations in excess of \$500,000 in the preceding calendar
4 year, and the total amount which may be charged to any gas corporation
5 and any electric corporation shall not exceed one cent per one thousand
6 cubic feet of gas sold and .010 cent per kilowatt-hour of electricity
7 sold by such corporations in their intrastate utility operations in
8 calendar year 2013. Such amounts shall be excluded from the general
9 assessment provisions of subdivision 2 of section 18-a of the public
10 service law. The chair of the public service commission shall bill such
11 gas and/or electric corporations for such amounts on or before August
12 10, 2015 and such amounts shall be paid to the energy research and
13 development authority on or before September 10, 2015. Upon receipt, the
14 energy research and development authority shall deposit such funds in
15 the energy research and development operating fund established pursuant
16 to section 1859 of the public authorities law. The energy research and
17 development authority is authorized and directed to: (1) transfer \$1
18 million to the state general fund for services and expenses of the
19 department of environmental conservation and to transfer \$691,000 to the
20 University of Rochester laboratory for laser energetics from the funds
21 received; and (2) commencing in 2016, provide to the chair of the public
22 service commission and the director of the budget, on or before August
23 first of each year, an itemized record, certified by the president and
24 chief executive officer of the authority, or his or her designee,
25 detailing any and all expenditures and commitments ascribable to moneys
26 received as a result of this assessment by the chair of the department
27 of public service pursuant to section 18-a of the public service law.
28 Any such amount not committed by such authority to contracts or other-

1 wise expended by the authority during the fiscal year shall be refunded
2 by such authority on a pro-rata basis to such gas and/or electric corpo-
3 rations, in a manner to be determined by the department of public
4 service.

5 § 2. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2015.

7 PART Q

8 Section 1. Section 312-a of the executive law, as amended by chapter
9 175 of the laws of 2010, is amended to read as follows:

10 § 312-a. Study of minority and women-owned business enterprise
11 programs. 1. The director of the division of minority and women-owned
12 business development in the department of economic development is
13 authorized and directed to recommission a statewide disparity study
14 regarding the participation of minority and women-owned business enter-
15 prises in state contracts since the amendment of this article to be
16 delivered to the governor and legislature no later than February
17 fifteenth, two thousand [sixteen] seventeen. The study shall be
18 prepared by an entity independent of the department and selected through
19 a request for proposal process. The purpose of such study is:

20 (a) to determine whether there is a disparity between the number of
21 qualified minority and women-owned businesses ready, willing and able to
22 perform state contracts for commodities, services and construction, and
23 the number of such contractors actually engaged to perform such
24 contracts, and to determine what changes, if any, should be made to
25 state policies affecting minority and women-owned business enterprises;
26 and (b) to determine whether there is a disparity between the number of

1 qualified minorities and women ready, willing and able, with respect to
2 labor markets, qualifications and other relevant factors, to participate
3 in contractor employment, management level bodies, including boards of
4 directors, and as senior executive officers within contracting entities
5 and the number of such group members actually employed or affiliated
6 with state contractors in the aforementioned capacities, and to deter-
7 mine what changes, if any, should be made to state policies affecting
8 minority and women group populations with regard to state contractors'
9 employment and appointment practices relative to diverse group members.
10 Such study shall include, but not be limited to, an analysis of the
11 history of minority and women-owned business enterprise programs and
12 their effectiveness as a means of securing and ensuring participation by
13 minorities and women, and a disparity analysis by market area and region
14 of the state. Such study shall distinguish between minority males,
15 minority females and non-minority females in the statistical analysis.

16 2. The director of the division of minority and women-owned business
17 development is directed to transmit the disparity study to the governor
18 and the legislature not later than February fifteenth, two thousand
19 [sixteen] seventeen, and to post the study on the website of the depart-
20 ment of economic development.

21 § 2. The opening paragraph of subdivision (h) of section 121 of chap-
22 ter 261 of the laws of 1988, amending the state finance law and other
23 laws relating to the New York state infrastructure trust fund, as
24 amended by chapter 175 of the laws of 2010, is amended to read as
25 follows:

26 The provisions of section sixty-two through sixty-six of this act
27 shall expire on December thirty-first, two thousand [sixteen] seventeen,
28 except that:

1 58 of the laws of 2012, between the dormitory authority of the state of
2 New York and the department of environmental conservation and/or the
3 office of parks, recreation and historic preservation to the governor,
4 the temporary president of the senate and speaker of the assembly. Such
5 report shall include but not be limited to a description of each such
6 project, the project identification number of each such project, if
7 applicable, the projected date of completion, the status of the project,
8 the total cost or projected cost of each such project, and the location,
9 including the names of any county, town, village or city, where each
10 such project is located or proposed. In addition, such a report shall be
11 provided to the aforementioned parties by the first day of March of each
12 year that the authority to enter into such agreements pursuant to part
13 BB of chapter 58 of the laws of 2012 is in effect.

14 § 3. This act shall take effect immediately and shall be deemed to
15 have been in effect on and after April 1, 2015.

16 PART T

17 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
18 executive law relating to permitting the secretary of state to provide
19 special handling for all documents filed or issued by the division of
20 corporations and to permit additional levels of such expedited service,
21 as amended by section 1 of part N of chapter 57 of the laws of 2014, is
22 amended to read as follows:

23 § 2. This act shall take effect immediately, provided however, that
24 section one of this act shall be deemed to have been in full force and
25 effect on and after April 1, 2003 and shall expire March 31, [2015]
26 2016.

1 § 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after March 31, 2015.

3

PART U

4 Section 1. Subdivision 2 of section 446-b of the real property law, as
5 amended by chapter 61 of the laws of 1989, is amended to read as
6 follows:

2. The application for such license shall be filed in the office of the secretary of state on such forms as the secretary may prescribe [and shall be accompanied by a fee of four hundred dollars].

10 § 2. Subdivision 3 of section 446-b of the real property law, as added
11 by chapter 805 of the laws of 1980, is amended to read as follows:

12 3. When the apartment information vendor maintains more than one place
13 of business, he shall apply for [and the secretary shall issue] a
14 supplemental license for each branch office so maintained [upon payment
15 of a fee of two hundred fifty dollars for each supplemental license so
16 issued]. Supplemental licenses shall be conspicuously displayed in each
17 branch office. The display of an expired license by any person, firm,
18 partnership or corporation is a violation of the provisions of this
19 article.

20 § 3. Subdivision 5 of section 446-b of the real property law, as
21 amended by chapter 805 of the laws of 1980, is amended to read as
22 follows:

23 5. Any license granted under the provisions hereof may be renewed for
24 one year by the secretary upon application therefor by the holder, in
25 such form as the secretary may prescribe[, and payment of a two hundred
26 fifty dollar fee for such license]. The secretary may dispense with the

1 requirement for the filing of such statements as was contained in the
2 original application for license.

3 § 4. Subdivision 2 of section 446-d of the real property law, as
4 amended by chapter 805 of the laws of 1980, is amended to read as
5 follows:

6 2. The secretary shall be notified in writing at his or her office in
7 Albany of any change of a licensee's business address or name, and the
8 secretary shall issue a license for the unexpired term, upon return of
9 the original license [and the payment of a fee of twenty dollars]. A
10 licensee who fails to notify the secretary of any change in business
11 address or name within ten days shall forfeit his or her license.

12 § 5. This act shall take effect immediately.

13 PART V

14 Section 1. Section 219 of the agriculture and markets law, as amended
15 by chapter 122 of the laws of 1988, is amended to read as follows:

16 § 219. Application [and fee]. Application for license as a food
17 salvager[,] shall be made upon a form prescribed by the commissioner[,
18 shall be made on or before June first in every other year for the
19 license period beginning July first following]. The applicant shall
20 satisfy the commissioner of his or her character and that he or she has
21 adequate physical facilities for salvaging food and food products. If so
22 satisfied, the commissioner shall [upon receipt of the license fee]
23 issue to the applicant a [license which shall be] non-transferable
24 license, which will expire on the thirtieth of June of the next even
25 numbered year following its issuance. [The biennial license fee shall be
26 one hundred dollars.] Application for renewal of such license for a

1 period of two years shall be made biennially, upon a form prescribed by
2 the commissioner and submitted no later than thirty days prior to the
3 expiration of the existing license. Where a person operates more than
4 one salvage warehouse a separate license is required for each location.

5 § 2. Section 231 of the agriculture and markets law, as amended by
6 section 7 of part I1 of chapter 62 of the laws of 2003, is amended to
7 read as follows:

8 § 231. Licenses, issuance of. No person or corporation shall maintain
9 or operate any refrigerated warehouse and/or locker plant unless
10 licensed by the commissioner. Application[, shall be made upon a form
11 prescribed by the commissioner[, shall be made on or before September
12 first of every other year for the license period beginning October first
13 following]. The applicant shall satisfy the commissioner of his or [its]
14 her character, financial responsibility, and competency to operate a
15 refrigerated warehouse or locker plant. The commissioner, if so satis-
16 fied, shall[, upon receipt of the license fee or fees,] issue to the
17 applicant a license or licenses [to operate the refrigerated warehouse
18 or warehouses or locker plant or locker plants described in the applica-
19 tion until the first day of October] which will expire on the thirtieth
20 of September of the next odd numbered year following [the year in which
21 such license was issued] its issuance. [The biennial license fee shall
22 be two hundred dollars for each refrigerated warehouse. If a locker
23 plant is operated as part of a refrigerated warehouse and upon the same
24 premises, no additional license fee shall be required.] Application for
25 renewal of such license or licenses for a period of two years shall be
26 made biennially, upon a form prescribed by the commissioner and submit-
27 ted no later than thirty days prior to the expiration of the existing
28 license or licenses.

1 § 3. Section 96-z-2 of the agriculture and markets law, as added by
2 chapter 391 of the laws of 1968, is amended to read as follows:

3 § 96-z-2. Application [and fees]. Application for a license to operate
4 a disposal plant or transportation service[,] shall be made upon a form
5 prescribed by the commissioner[, shall be made on or before September
6 first in each year for the license year beginning October first follow-
7 ing]. The applicant shall satisfy the commissioner of his or her charac-
8 ter and that he or she has adequate physical facilities for the opera-
9 tion of a disposal plant or transportation service. If so satisfied, the
10 commissioner shall [upon payment of the license fee] issue to the appli-
11 cant a non-transferable license which [shall be non-transferable] will
12 expire on the thirtieth day of September of the next even numbered year
13 following its issuance. Application for renewal of such license for a
14 period of two years shall be made biennially upon a form prescribed by
15 the commissioner and submitted no later than thirty days prior to the
16 expiration of the existing license. [The annual license fee for a
17 disposal plant shall be one hundred dollars, plus an inspection fee of
18 ten dollars for each vehicle. The annual license fee for a transporta-
19 tion service shall be twenty-five dollars, plus an inspection fee of ten
20 dollars for each vehicle.]

21 § 4. Section 128-a of the agriculture and markets law, as amended by
22 chapter 451 of the laws of 2008, subdivisions 4, 5, 6, 7, 8 and 9 as
23 renumbered by section 2 of part N of chapter 58 of the laws of 2012, is
24 amended to read as follows:

25 § 128-a. Licenses. 1. No person shall manufacture any commercial feed
26 in this state unless such person holds a license issued therefor by the
27 commissioner. [Notwithstanding the foregoing, a person, in operation on
28 or before the effective date of this section, who has filed an applica-

1 tion for an initial license under this section shall be authorized to
2 operate without such license until the commissioner grants or, after
3 notice and opportunity to be heard, declines to grant such license.]
4 Each application for a license shall be made on a form supplied by the
5 department and shall contain such information as may be required by the
6 department. A license issued on or before the thirtieth of June will
7 expire on the thirty-first of December of the year of its issuance, and
8 if issued between July first and December thirty-first, will expire on
9 the thirty-first day of December in the year following its issuance.
10 Renewal applications shall be [submitted to] made annually on a form
11 prescribed by the commissioner [at least] and submitted no later than
12 thirty days prior to the [commencement of the next license year] expira-
13 tion of the existing license.

14 2. The commissioner may deny any application for a license or revoke
15 any license when granted, after written notice to the applicant and an
16 opportunity to be heard, when:

17 (a) any statement in the application or upon which it was issued is or
18 was false or misleading;

19 (b) facilities of the applicant are not maintained in a manner as
20 required by rules and regulations duly promulgated by the commissioner;

21 (c) the maintenance and operation of the establishment of the appli-
22 cant is such that the commercial feed produced therein is or may be
23 adulterated, misbranded, or not maintained in any manner as required by
24 this article;

25 (d) the applicant or licensee, or an officer, director, partner or
26 holder of ten per centum or more of the voting stock of the applicant or
27 licensee, has failed to comply with any of the provisions of this arti-
28 cle or rules and regulations promulgated pursuant thereto; or

1 (e) the applicant or licensee is a partnership or corporation and any
2 individual holding any position or interest or power of control therein
3 has previously been responsible in whole or in part for any act on
4 account of which an application for licensure may be denied or a license
5 revoked pursuant to the provisions of this article.

6 3. [Each application for an initial license shall be accompanied by a
7 non-refundable fee of one hundred dollars. The commissioner shall
8 prorate the license fee for any person applying for an initial license
9 after the commencement of the licensing period. Licenses shall be renew-
10 able annually thereafter, together with the payment of a non-refundable
11 fee of fifty dollars.

12 4.] Inspection in accordance with section one hundred thirty-five-a of
13 this article, the results of which establish compliance with the
14 provisions of this article, shall precede issuance of a license or
15 renewal thereof under this section.

16 [5.] 4. Upon validation by the commissioner, the application shall
17 become the license of the person.

18 [6.] 5. The commissioner shall provide a copy of the license to the
19 [person] licensee. The commissioner shall also retain a copy of the
20 license.

21 [7.] 6. No licensee shall publish or advertise the sale of any commer-
22 cial feed unless the publication or advertisement is accompanied by such
23 licensee's license number. [Notwithstanding the foregoing, a person, in
24 operation on or before the effective date of this section, who has filed
25 an application for an initial license under this section may publish or
26 advertise the sale or availability of any commercial feed without the
27 publication or advertisement being accompanied by the person's license

1 number until the commissioner grants or, after notice and opportunity to
2 be heard, declines to grant such license.

3 8.] 7. Commercial feed licenses shall be conspicuously displayed on
4 the premises so that they may be readily seen by officers and employees
5 of the department.

6 [9.] 8. Notwithstanding the definition of commercial feed under subdi-
7 vision seven of section one hundred twenty-eight of this article, the
8 provisions of this section shall not apply to a person who conducts a
9 business of selling pet food and specialty pet food.

10 § 5. Section 142-ee of the agriculture and markets law, as amended by
11 chapter 251 of the laws of 1999, is amended to read as follows:

12 § 142-ee. License [and fee]. Each certificate filed pursuant to
13 section one hundred forty-two-dd of this article shall be accompanied by
14 an application, upon forms supplied by the commissioner, for a license
15 to supply such material under the brand name specified therein, and
16 there shall be transmitted therewith a copy of the label and of the
17 statement proposed to accompany such material in compliance with section
18 one hundred forty-two-cc[, together with a license fee of forty dollars
19 for each such brand] of this article. Such application shall incorpo-
20 rate by reference the data contained in the accompanying certificate for
21 the brand for which the license is sought. Upon compliance with the
22 provisions of this article, the applicant shall be issued a license for
23 the supplying of such qualifying brand of agricultural liming material,
24 which license shall expire on the thirty-first day of December of the
25 next even numbered year following the year in which it is issued, but no
26 such license shall be issued for the supplying of any such material
27 which does not meet the minimum standards herein provided for, nor for
28 the supplying thereof under a brand descriptive designation or with a

1 label or accompanying statement which is or tends to be misleading or
2 deceptive as to quality, analysis or composition. Application for a
3 renewal of the license for a period of two years shall be made biennial-
4 ly, upon a form prescribed by the commissioner and submitted no later
5 than thirty days prior to the expiration of the existing license. Any
6 such license so issued may be revoked by the commissioner, after notice
7 to the licensee by mail or otherwise and opportunity to be heard, when
8 it appears that any statement or representation upon which it is issued
9 is false or misleading. The action of the commissioner in refusing to
10 grant a license, or in revoking a license, shall be subject to review by
11 a proceeding under article seventy-eight of the civil practice law and
12 rules, but the decision of the commissioner shall be final unless within
13 thirty days from the date of the order embodying such action such
14 proceeding to review has been instituted.

15 Whenever a manufacturer, producer or distributor shall have been
16 licensed to supply a particular brand of material hereunder, no agent,
17 seller or retailer of such brand shall be required to file a certificate
18 or obtain a license for such brand during a period for which such
19 license is in effect, nor upon such goods which were acquired during a
20 period for which a license was in effect and remaining undistributed in
21 subsequent years.

22 § 6. Subdivision (a) of section 146 of the agriculture and markets
23 law, as amended by chapter 251 of the laws of 1999, is amended to read
24 as follows:

25 (a) No person shall distribute in this state any type of fertilizer
26 until a [biennial] license to distribute the same has been obtained from
27 the commissioner by the person whose labelling is applied to such ferti-
28 lizer upon payment of a one hundred fifty dollar fee. [All licenses

1 shall expire on a date to be set by the commissioner in regulations.]
2 The initial license issued hereunder shall expire on December thirty-
3 first of the next even numbered year following the year in which it was
4 issued and each renewal of that license shall be for a two year period,
5 ending on December thirty-first. Application for a renewal of such
6 license shall be made biennially, upon a form prescribed by the commis-
7 sioner and be submitted no later than thirty days prior to the expira-
8 tion of the existing license.

9 § 7. Section 147-b of the agriculture and markets law, as amended by
10 chapter 122 of the laws of 1988, is amended to read as follows:

11 § 147-b. License. No person shall sell, offer or expose for sale in
12 this state any soil or plant inoculant unless licensed as provided in
13 this section. Application for a license shall be made upon a form
14 prescribed by the commissioner [shall be made biennially. The applica-
15 tion] and shall include a statement as to whether the inoculant is
16 represented as effective for inoculating legumes or for some other
17 purpose, and, if represented as effective for the inoculation of
18 legumes, for which legume or legumes it is so represented. With the
19 application, the applicant shall present a representative sample of the
20 soil or plant inoculant described in the application. The commissioner,
21 if satisfied that the inoculant may be depended upon to produce an
22 effective inoculation for the purpose represented, shall issue to such
23 applicant a license for the sale of such inoculant, expiring on December
24 thirty-first of the next even numbered year following [the year in which
25 it is issued] its issuance. [The applicant shall pay biennially, at the
26 time of presenting the application, to the commissioner for remittance
27 to the state treasury, a license fee of twenty dollars for each brand of
28 inoculants as defined in the rules and regulations adopted by the

1 commissioner as provided in this article.] Application for renewal of
2 such license for a period of two years shall be made biennially upon a
3 form prescribed by the commissioner and submitted no later than thirty
4 days prior to the expiration of the existing license.

5 § 8. Paragraph (a) of subdivision 1 of section 248 of the agriculture
6 and markets law, as amended by chapter 490 of the laws of 2005, is
7 amended to read as follows:

8 (a) No person shall act as a dealer unless licensed as provided in
9 this article. Application shall be made upon such forms and at such
10 times as prescribed by the commissioner. Renewal applications shall be
11 submitted to the commissioner at least thirty days prior to the
12 [commencement of the next] expiration of the existing license [year]. No
13 action will be taken on applications deemed incomplete by the commis-
14 sioner. The applicant shall furnish evidence of his or her good charac-
15 ter, financial statements, prepared and certified by a certified public
16 accountant when required by the commissioner, and evidence that he or
17 she has adequate physical facilities for receiving and handling farm
18 products or processing farm products if he or she is to act as a dealer.
19 The commissioner, if so satisfied, shall issue to such applicant, [upon
20 payment of twenty dollars, and] upon the filing of a bond or letter of
21 credit and upon payment of a fee to be deposited into the agricultural
22 producers security fund as hereinafter provided, a license entitling the
23 applicant to conduct the business of a dealer in farm products for a
24 period of one year. Notwithstanding any other provision of this section,
25 an applicant who intends to pay and a licensee who pays upon delivery
26 for purchases of farm products from producers, in cash, or cash equiv-
27 alent, including only certified or bank check, money order, electronic
28 funds transfer, or by debit card, shall be exempt from filing a bond or

1 letter of credit. In the event that a licensee who has been so exempted
2 from filing a bond or letter of credit fails to pay cash or a cash
3 equivalent upon delivery for any purchase of farm products from a
4 producer, such licensee shall file a bond or letter of credit as other-
5 wise required by this section with the commissioner no later than ten
6 business days from the date the commissioner notifies the licensee that
7 such bond or letter of credit is required.

8 § 9. Subdivision 5 of section 500 of the agriculture and markets law,
9 as amended by section 3 of part II of chapter 59 of the laws of 2009, is
10 amended to read as follows:

11 5. Licensure. No person shall maintain or operate a retail food store,
12 food service establishment or food warehouse unless such establishment
13 is licensed pursuant to the provisions of this article, provided, howev-
14 er, that establishments registered, permitted or licensed by the depart-
15 ment pursuant to other provisions of this chapter, under permit and
16 inspection by the state department of health or by a local health agency
17 which maintains a program certified and approved by the state commis-
18 sioner of health, or subject to inspection by the United States depart-
19 ment of agriculture pursuant to the federal meat, poultry or egg
20 inspection programs, shall be exempt from licensure under this article.
21 Application for licensure of a retail food store, food service estab-
22 lishment or food warehouse shall be made, upon a form prescribed by the
23 commissioner, on or before December first of every other year for the
24 registration period beginning January first following. Upon submission
25 of a completed application, together with the applicable licensing fee,
26 the commissioner shall issue a license to the retail food store, food
27 service establishment or food warehouse described in the application for
28 two years from the [applicable registration commencement period set

1 forth in this section] date of issuance. The [licensing] license fee
2 shall be two hundred fifty dollars provided, however, that food ware-
3 houses shall pay a [licensing] license fee of four hundred dollars.
4 Notwithstanding the preceding sentence, the commissioner shall, upon
5 submission of a completed application for a new license by an applicant
6 that is a chain store, as defined by subdivision five of section two
7 hundred fifty-one-z-two of this chapter, issue such license for a period
8 ending on the same date as the licenses of the other chain stores that
9 are a part of the same network.

10 § 10. This act shall take effect immediately.

11 PART W

12 Section 1. Legislative findings. The legislature hereby finds and
13 determines that the establishment of the utility debt securitization
14 authority under part B of chapter 173 of the laws of 2013 permitted the
15 issuance of securitized restructuring bonds on favorable terms which
16 resulted in lower aggregate distribution, transmission and transition
17 charges to Long Island ratepayers, compared to other available alterna-
18 tives, and the purposes of such act will be further advanced by amending
19 such act to permit the issuance of additional such bonds subject to a
20 limit on the outstanding principal amount thereof, including the poten-
21 tial issuance of such bonds by a newly created restructuring bond
22 issuer.

23 § 2. Subdivision 10 of section 2 of part B of chapter 173 of the laws
24 of 2013 relating to the issuance of securitized restructuring bonds to
25 refinance the outstanding debt of the Long Island power authority is
26 amended to read as follows:

1 10. "Restructuring bond issuer" means the corporate municipal instru-
2 mentality of the state created under paragraph a or b of subdivision one
3 of section four of this act.

4 § 3. Subdivision 6 of section 3 of part B of chapter 173 of the laws
5 of 2013 relating to the issuance of securitized restructuring bonds to
6 refinance the outstanding debt of the Long Island power authority is
7 amended to read as follows:

8 6. Issuance of restructuring bonds. Within ninety days after receiving
9 notice of confirmation from the authority, the restructuring bond issuer
10 shall issue the restructuring bonds, in one or more series or tranches
11 and at one or more times, pursuant to the agreement to sell the restruc-
12 turing bonds. The restructuring bond issuer shall purchase the restruc-
13 turing property from the authority for a purchase price equal to the net
14 proceeds from the sale of the restructuring bonds less any amounts of
15 such proceeds required to fund or pay upfront financing costs. The
16 aggregate principal amount of outstanding restructuring bonds at any
17 time shall not exceed four billion five hundred million dollars.

18 § 4. The section heading and subdivision 1 of section 4 of part B of
19 chapter 173 of the laws of 2013 relating to the issuance of securitized
20 restructuring bonds to refinance the outstanding debt of the Long Island
21 power authority is amended to read as follows:

22 Creation of restructuring bond [issuer] issuers. 1. Creation of
23 restructuring bond [issuer] issuers. (a) For the purpose of effectuat-
24 ing the purposes declared in section one of this act, there is hereby
25 created a special purpose corporate municipal instrumentality of the
26 state to be known as "utility debt securitization authority", which
27 shall be a body corporate and politic, a political subdivision of the
28 state, and a public benefit corporation, exercising essential govern-

1 mental and public powers for the good of the public. [The] Such restruc-
2 turing bond issuer shall not be created or organized, and its operations
3 shall not be conducted, for the purpose of making a profit. No part of
4 the revenues or assets of [the] such restructuring bond issuer shall
5 inure to the benefit of or be distributable to its trustees or officers
6 or any other private persons, except as herein provided for actual
7 services rendered.

8 (b) For the purpose of effectuating the purposes declared in section
9 one of this act, and in contemplation of satisfaction of the conditions
10 set forth in the last sentence of this subdivision, there is hereby
11 created a special purpose corporate municipal instrumentality of the
12 state to be known as "utility debt securitization authority no. 2",
13 which shall be a body corporate and politic, a political subdivision of
14 the state, and a public benefit corporation, exercising essential
15 governmental and public powers for the good of the public. Such restruc-
16 turing bond issuer shall not be created or organized, and its operations
17 shall not be conducted, for the purpose of making a profit. No part of
18 the revenues or assets of such restructuring bond issuer shall inure to
19 the benefit of or be distributable to its trustees or officers or any
20 other private persons, except as herein provided for actual services
21 rendered. Such restructuring bond issuer shall issue no restructuring
22 bonds unless and until the authority by resolution shall have found and
23 determined that on the basis of the documents and opinions presented to
24 it, the terms of sale of such bonds are, at such time, reasonably
25 expected to be more favorable than such terms would be if such restruc-
26 turing bonds were to be issued by the restructuring bond issuer created
27 by paragraph (a) of this subdivision.

§ 5. Subparagraph (i) of paragraph (a) of subdivision 2 of section 4 of part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority is amended to read as follows:

(i) issue the restructuring bonds contemplated by a restructuring cost financing order, and use the proceeds thereof to purchase or acquire, and to own, hold and use restructuring property or to pay or fund upfront financing costs [provided, however, that the restructuring bond issuer shall only issue and sell restructuring bonds once];

§ 6. This act shall take effect immediately.

PART X

Section 1. Section 171 of the navigation law, as amended by chapter 35 of the laws of 1985, is amended to read as follows:

§ 171. Purposes. It is the purpose of this article to ensure a clean environment and healthy economy for the state by preventing the unregulated discharge of petroleum which may result in damage to lands, waters or natural resources of the state by authorizing the department of environmental conservation to prepare for and respond quickly to such discharges and effect prompt cleanup and removal of such discharges, giving first priority to minimizing environmental damage, and by providing for liability for damage sustained within the state as a result of such discharges.

§ 2. Subdivision 1 of section 172 of the navigation law, as added by chapter 845 of the laws of 1977, is amended to read as follows:

1. "Administrator" means the [chief executive, within] person designated by the [department] commissioner of [audit and control, of] envi-

1 ronmental conservation to administer the New York environmental
2 protection and spill compensation fund;

3 § 3. Paragraphs (a), (b) and (d) of subdivision 4 of section 174 of
4 the navigation law, paragraph (a) as amended by section 1 of part E of
5 chapter 413 of the laws of 1999, paragraph (b) as amended by chapter 512
6 of the laws of 1986 and paragraph (d) as added by section 21 of part A
7 of chapter 58 of the laws of 1998, are amended to read as follows:

8 (a) The license fee shall be [one cent] nine and one-half cents per
9 barrel transferred [until the balance in such account established by
10 paragraph (a) of subdivision two of section one hundred seventy-nine of
11 this article equals or exceeds twenty-five million dollars], provided,
12 however, that the fee on any barrel, including any products derived
13 therefrom, subject to multiple transfer, shall be imposed only once at
14 the point of first transfer. In each fiscal year following any year in
15 which the balance of [such] the account established by paragraph (a) of
16 subdivision two of section one hundred seventy-nine of this article
17 equals or exceeds [twenty-five] forty million dollars, no license fee
18 shall be imposed unless (a) the current balance in such account is less
19 than [twenty] thirty-five million dollars or (b) pending claims against
20 such account exceed fifty percent of the existing balance of such
21 account. [The provisions of the foregoing notwithstanding, should claims
22 paid from such account not exceed five million dollars within three
23 years after the license fee is first imposed, the license fee shall be
24 one cent per barrel transferred until the balance in such account equals
25 or exceeds eighteen million dollars, and thereafter shall not be imposed
26 unless: (1) the current balance in such account is less than fifteen
27 million dollars or (2) pending claims against such account exceed fifty
28 percent of the existing balance of such account.] In the event of either

1 such occurrence and upon certification thereof [by the state comp-
2 troller], the administrator shall within ten days of the date of such
3 certification reimpose the license fee, which shall take effect on the
4 first day of the month following such relevy. [In the event of a major
5 discharge or series of discharges resulting in claims against such
6 account exceeding the existing balance of such account, the license fee
7 shall be imposed at the rate of eight cents per barrel transferred until
8 the balance in such account equals pending claims against such account;
9 provided, however, that the] The rate may be set at less than [eight]
10 nine and one-half cents per barrel transferred if the administrator
11 determines that the revenue produced by such lower rate shall be suffi-
12 cient to pay outstanding claims against such account within one year of
13 such imposition of the license fee. [Should such account exceed eighteen
14 million dollars or twenty-five million dollars, as herein provided, as a
15 result of interest, the administrator and the commissioner of environ-
16 mental conservation shall report to the legislature and the governor
17 concerning the options for the use of such interest.] The fee estab-
18 lished by this paragraph shall not be imposed upon any barrel which is
19 transferred to a land based facility but thereafter exported from this
20 state for use outside the state and is shipped to facilities outside the
21 state regardless of whether the delivery or sale of such petroleum
22 occurs in this state.

23 (b) The surcharge on the license fee shall be [two and one-half cents
24 per barrel for each barrel transferred on or after June first, nineteen
25 hundred eighty-five but before February first, nineteen hundred eighty-
26 eight. Such surcharge shall be three and one-half cents per barrel for
27 each barrel transferred on or after February first, nineteen hundred
28 eighty-eight, but before February first, nineteen hundred ninety. Such

1 surcharge shall be] four and one-quarter cents per barrel for each
2 barrel transferred on or after February first, nineteen hundred ninety.

3 (d) The surcharge established by paragraph (b) of this subdivision
4 shall be [one and one-half] thirteen and three quarters cents per barrel
5 for any barrel that is transferred but thereafter exported from this
6 state for use outside the state as described by paragraph (a) of this
7 subdivision. Twelve and one-quarter cents of such surcharge shall be
8 credited to the account established by paragraph (a) of subdivision two
9 of section one hundred seventy-nine of this article.

10 § 4. Paragraph (a) of subdivision 2 of section 179 of the navigation
11 law, as amended by section 2 of part I of chapter 577 of the laws of
12 2004, is amended to read as follows:

13 (a) An account which shall be credited with all license fees and
14 penalties collected pursuant to paragraph (b) of subdivision one and
15 paragraph (a) of subdivision four of section one hundred seventy-four of
16 this article, the portion of the surcharge collected pursuant to para-
17 graph (d) of subdivision four of section one hundred seventy-four of
18 this section, penalties collected pursuant to paragraph (b) of subdivi-
19 sion four of section one hundred seventy-four-a of this article, money
20 collected pursuant to section one hundred eighty-seven of this article,
21 all penalties collected pursuant to section one hundred ninety-two of
22 this article, and registration fees collected pursuant to subdivision
23 two of section 17-1009 of the environmental conservation law.

24 § 5. The opening paragraph and subdivisions 4 and 5 of section 180 of
25 the navigation law, the opening paragraph and subdivision 4 as added by
26 chapter 845 of the laws of 1977 and subdivision 5 as amended by chapter
27 35 of the laws of 1985, are amended to read as follows:

1 The [state comptroller] commissioner shall appoint and supervise an
2 administrator of the fund. The administrator shall be the chief execu-
3 tive of the fund and shall have the following powers and duties:

4 4. To certify the amount of claims and names of claimants [to the
5 state comptroller];

6 5. To disburse moneys from the fund for cleanup and removal costs
7 pursuant to a certification of claims [by the commissioner].

8 § 6. Subdivisions 7 and 9 of section 185 of the navigation law, as
9 added by chapter 672 of the laws of 1991, are amended to read as
10 follows:

11 7. Within sixty calendar days from the close of such hearing and after
12 due consideration of the written and oral statements and testimony and
13 arguments filed pursuant to this section, or on default in appearance on
14 said return day, the administrator shall make [his] a final determi-
15 nation on the validity or amount of the damage claims or claims for
16 cleanup and removal costs filed by the injured persons. The administra-
17 tor shall notify the claimant and, if known, the alleged discharger
18 thereof in writing by registered mail.

19 9. Upon a determination by the administrator that provides for an
20 award to the claimants, the administrator [shall certify the amount of
21 the award and the name of the claimant to the state comptroller, who]
22 shall pay the award from the fund. In any case in which a person respon-
23 sible for the discharge seeks judicial review, reasonable attorney's
24 fees and costs shall be awarded to the claimant if the determination of
25 the administrator is affirmed.

26 § 7. Subdivisions 1 and 2 of section 186 of the navigation law, as
27 amended by chapter 38 of the laws of 1985, subdivision 1 as separately
28 amended by chapter 35 of the laws of 1985, paragraph (c) of subdivision

1 2 as amended by chapter 672 of the laws of 1991 and paragraph (e) of
2 subdivision 2 as added by chapter 83 of the law of 1995, are amended to
3 read as follows:

4 1. (a) Moneys in the account established by paragraph (a) of subdivi-
5 sion two of section one hundred seventy-nine of this part shall be
6 disbursed by the administrator[, upon certification by the commission-
7 er,] for the purpose of costs incurred under section one hundred seven-
8 ty-six of this article.

9 (b) Moneys in the account established by paragraph (b) of subdivision
10 two of section one hundred seventy-nine of this part shall, within
11 forty-five days of the close of each license fee period, be deposited by
12 the administrator[,] in the hazardous waste remedial fund created pursu-
13 ant to section ninety-seven-b of the state finance law for expenditure
14 pursuant to such section[; provided, however, that the state comptroller
15 shall cause the administrator to reimburse the commissioner for the
16 reasonable costs of collecting the surcharge during those times when the
17 license fee is not imposed].

18 2. Moneys in the account established by paragraph (a) of subdivision
19 two of section one hundred seventy-nine of this part, as may be appro-
20 priated by the legislature, shall be disbursed by the administrator,
21 upon certification by him or her, for the following purposes:

22 (a) Damages as defined in section one hundred eighty-one of this arti-
23 cle;

24 (b) Such sums as may be necessary for research on the prevention and
25 the effects of spills of petroleum on the environment and on the devel-
26 opment and testing of improved cleanup, containment and removal oper-
27 ations [as may be appropriated by the legislature; provided, however,
28 that such sums shall not exceed the amount of interest which is credited

1 to the account established by paragraph (a) of subdivision two of
2 section one hundred seventy-nine of this part];

3 (c) Such sums as may be necessary for the general administration of
4 the fund, equipment and personnel costs of the department [of environ-
5 mental conservation] and any other state agency related to the enforce-
6 ment of this article [as may be appropriated by the legislature];

7 (d) Such sums as may be [appropriated by the legislature] necessary
8 for research and demonstration programs concerning the causes and abate-
9 ment of ocean pollution[; provided, however, that such sums shall not
10 exceed the amount of interest which is credited to the account estab-
11 lished by paragraph (a) of subdivision two of section one hundred seven-
12 ty-nine of this part].

13 (e) Such sums as may be necessary for the general administration,
14 equipment and personnel costs of the department [of environmental
15 conservation] related to the administration and enforcement of the
16 petroleum bulk storage program established pursuant to title ten of
17 article seventeen of the environmental conservation law.

18 (f) Such sums as may be necessary for the acquisition and maintenance
19 of petroleum spill prevention, response or personal safety equipment and
20 supplies and training for state and local government entities, including
21 emergency services agencies and personnel.

22 (g) Such sums as may be necessary for petroleum spill response drills
23 and exercises.

24 (h) Such sums as may be necessary for identification, mapping, and
25 analysis of populations, environmentally sensitive areas, and resources
26 at risk from spills of petroleum and related impacts; and the develop-
27 ment, implementation, and updating of contingency plans, including
28 geographic response plans, to protect those populations, sensitive envi-

1 ronments, and resources in the event of a spill of petroleum or related
2 impacts.

3 § 8. Section 191 of the navigation law, as amended by chapter 35 of
4 the laws of 1985, is amended to read as follows:

5 § 191. [Joint rules and regulations] Rules. The commissioner [and the
6 state comptroller are] is authorized to adopt, amend, repeal, and
7 enforce such rules and regulations pursuant to the state administrative
8 procedure act[, as they] that the commissioner may deem necessary to
9 accomplish the purposes of this article.

10 § 9. Section 192 of the navigation law, as added by chapter 845 of the
11 laws of 1977, is amended to read as follows:

12 § 192. Enforcement of article; penalties. Any person who knowingly
13 gives or causes to be given any false information as a part of, or in
14 response to, any claim made pursuant to this article for cleanup and
15 removal costs, direct or indirect damages resulting from a discharge, or
16 who otherwise violates any of the provisions of this article or any rule
17 promulgated thereunder or who fails to comply with any duty created by
18 this article shall be liable to a penalty of not more than twenty-five
19 thousand dollars for each offense. Such penalty may be assessed by the
20 commissioner after a hearing or an opportunity to be heard or in a court
21 of competent jurisdiction. If the violation is of a continuing nature
22 each day during which it continues shall constitute an additional, sepa-
23 rate and distinct offense.

24 § 10. Section 196 of the navigation law, as amended by chapter 35 of
25 the laws of 1985, is amended to read as follows:

26 § 196. Reports. The commissioner [and the administrator] shall make an
27 annual report to the legislature and the governor which shall describe
28 the quality and quantity of spills of petroleum, the costs and damages

1 paid by and recovered for the fund, and the economic and environmental
2 impact on the state as a result of the administration of this article.

3 § 11. Subdivision 6 of section 200 of the navigation law, such section
4 as renumbered by chapter 845 of the laws of 1977, is renumbered subdivi-
5 sion 7 and a new subdivision 6 is added to read as follows:

6 6. The commissioner of environmental conservation may, after a hearing
7 or an opportunity to be heard, assess a penalty of up to twenty-five
8 thousand dollars per day for any violation of or a failure to comply
9 with any provision contained in article twelve of this chapter, or any
10 lawful notice, order or regulation prescribed by the commissioner of
11 environmental conservation under such provision.

12 § 12. Subdivision 2 of section 97-b of the state finance law, as
13 amended by section 4 of part I of chapter 1 of the laws of 2003, is
14 amended to read as follows:

15 2. Such fund shall consist of all of the following:

16 (a) moneys appropriated for transfer to the fund's site investigation
17 and construction account; (b) all fines and other sums accumulated in
18 the fund prior to April first, nineteen hundred eighty-eight pursuant to
19 section 71-2725 of the environmental conservation law for deposit in the
20 fund's site investigation and construction account; (c) all moneys
21 collected or received by the department of taxation and finance pursuant
22 to section 27-0923 of the environmental conservation law for deposit in
23 the fund's industry fee transfer account; (d) all moneys paid into the
24 fund pursuant to section 72-0201 of the environmental conservation law
25 which shall be deposited in the fund's industry fee transfer account;
26 (e) all moneys paid into the fund pursuant to paragraph (b) of subdivi-
27 sion one of section one hundred eighty-six of the navigation law which
28 shall be deposited in the fund's industry fee transfer account; (f) all

1 moneys paid into the fund by municipalities for repayment of landfill
2 closure loans made pursuant to title five of article fifty-two of the
3 environmental conservation law for deposit in the fund's site investi-
4 gation and construction account; (g) all monies recovered under sections
5 56-0503, 56-0505 and 56-0507 of the environmental conservation law into
6 the fund's environmental restoration project account; (h) all fees paid
7 into the fund pursuant to section 72-0403 of the environmental conserva-
8 tion law which shall be deposited in the fund's industry fee transfer
9 account; (i) payments received for all state costs incurred in negotiat-
10 ing and overseeing the implementation of brownfield site cleanup agree-
11 ments pursuant to title fourteen of article twenty-seven of the environ-
12 mental conservation law shall be deposited in the hazardous waste
13 remediation oversight and assistance account; and (j) other moneys cred-
14 ited or transferred thereto from any other fund or source for deposit in
15 the fund's site investigation and construction account.

16 § 13. Continuation of rules and regulations pertaining to the adminis-
17 tration of the New York environmental protection and spill compensation
18 fund. Upon the transfer of the functions and powers possessed by the New
19 York state comptroller in regard to the administration of the New York
20 environmental protection and spill compensation fund pursuant to the
21 navigation law to the department of environmental conservation as
22 prescribed by this act, all rules, regulations, acts, orders, determi-
23 nations and decisions, pertaining to the functions transferred by this
24 act to the department of environmental conservation shall continue in
25 force and effect as rules, regulations, acts, determinations and deci-
26 sions of the department of environmental conservation, unless duly modi-
27 fied or repealed.

1 § 14. This act shall take effect immediately; provided, however, that
2 to allow for an orderly transition of work the department of environ-
3 mental conservation and the state comptroller may have until October 1,
4 2015 to transfer all functions associated with the administration of the
5 environmental protection and spill compensation fund as required by
6 sections two and five of this act; provided further that the increased
7 fees established pursuant to paragraphs (a) and (d) of subdivision 4 of
8 section 174 of the navigation law as amended by section three of this
9 act shall take effect on September 1, 2015 and shall apply to any barrel
10 that is transferred on and after such date.

11

PART Y

12 Section 1. The opening paragraph of subdivision 1 and subdivision 3 of
13 section 72-0303 of the environmental conservation law, the opening para-
14 graph of subdivision 1 as amended by section 1 of part BBB of chapter 59
15 of the laws of 2009 and subdivision 3 as amended by section 1 of part D
16 of chapter 413 of the laws of 1999, are amended to read as follows:

17 Commencing January first, two thousand fifteen and every year there-
18 after, all sources of regulated air contaminants identified pursuant to
19 subdivision one of section 19-0311 of this chapter shall submit to the
20 department an annual base fee of two thousand five hundred dollars. This
21 base fee shall be in addition to the fees listed below. Commencing Janu-
22 ary first, nineteen hundred ninety-four and every year thereafter all
23 sources of regulated air contaminants identified pursuant to subdivision
24 one of section 19-0311 of this chapter shall submit to the department an
25 annual fee [of forty-five dollars per ton] not to exceed the per ton
26 fees described below. The per ton fee is assessed on each ton of emis-

1 sions up to seven thousand tons annually of each regulated air contam-
2 inant as follows: [forty-five] sixty dollars per ton for facilities
3 with total emissions less than one thousand tons annually; [fifty]
4 seventy dollars per ton for facilities with total emissions of one thou-
5 sand or more but less than two thousand tons annually; [fifty-five]
6 eighty dollars per ton for facilities with total emissions of two thou-
7 sand or more but less than five thousand tons annually; and [sixty-five]
8 ninety dollars per ton for facilities with total emissions of five thou-
9 sand or more tons annually. Such fee shall be sufficient to support an
10 appropriation approved by the legislature for the direct and indirect
11 costs associated with the operating permit program established in
12 section 19-0311 of this chapter. Such fee shall be established by the
13 department and shall be calculated by dividing the amount of the current
14 year appropriation from the operating permit program account of the
15 clean air fund by the total tons of emissions of regulated air contam-
16 inants that are subject to the operating permit program fees from sourc-
17 es subject to the operating permit program pursuant to section 19-0311
18 of this chapter up to seven thousand tons annually of each regulated air
19 contaminant from each source; provided that, in making such calculation,
20 the department shall adjust their calculation to account for any deficit
21 or surplus in the operating permit program account of the clean air fund
22 established pursuant to section ninety-seven-00 of the state finance
23 law; any loan repayment from the mobile source account of the clean air
24 fund established pursuant to section ninety-seven-00 of the state
25 finance law; and the rate of collection by the department of the bills
26 issued for the fee for the prior year.

27 3. Effective January first, [nineteen hundred ninety-seven through
28 December thirty-first, nineteen hundred ninety-eight, and notwithstand-

1 ing the requirements of the state administrative procedure act, the cap
2 of twenty-five dollars per ton] two thousand sixteen and annually there-
3 after, the base fees and per ton fees listed in subdivision one of this
4 section shall increase by the percentage, if any, by which the consumer
5 price index exceeds the consumer price index for the prior calendar year
6 [nineteen hundred eighty-nine].

7 [a.] The consumer price index for any calendar year is the average of
8 the consumer price index for all urban consumers published by the United
9 States department of labor, as of the close of the twelve-month period
10 ending on August thirty-first of each calendar year.

11 [b. The revision of the consumer price index for the calendar year
12 nineteen hundred eighty-nine shall be used in the event the department
13 of labor revises its method of determining the consumer price index.]

14 § 2. Section 72-0302 of the environmental conservation law, as amended
15 by chapter 608 of the laws of 1993, the opening paragraph of subdivision
16 1 and the closing paragraph as amended by chapter 432 of the laws of
17 1997, paragraph e as amended and paragraphs f and g of subdivision 1 as
18 relettered by chapter 170 of the laws of 1994, is amended to read as
19 follows:

20 § 72-0302. State air quality control fees.

21 1. All persons, except those required to pay a fee under section
22 72-0303 of this [article] title, who are required to obtain a permit,
23 [certificate] registration or approval pursuant to the state air quality
24 control program shall submit to the department a [per emission point]
25 fee in an amount established as follows:

26 a. [\$11,000.00] \$2,500.00 for a stationary [combustion installation
27 having a maximum operating heat input equal to or greater than fifty
28 million British thermal units per hour as stated on the most recent

1 application for a permit to construct or application for a certificate
2 to operate and which emits or has the potential to emit equal to or
3 greater than any one of the following:

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

6 (ii) one hundred tons per year of sulfur dioxide; or

7 (iii) one hundred tons per year of particulates] source subject to a
8 state facility permit.

9 b. [\$2,000.00] \$250.00 for [all] a stationary [combustion installa-
10 tions which are not included under paragraph a of this subdivision and
11 which have a maximum operating heat input greater than fifty million
12 British thermal units per hour as stated on the most recent application
13 for a certificate to operate] source subject to a minor facility regis-
14 tration from the department.

15 c. [\$100.00] \$2,500.00 for a [stationary combustion installation
16 having a maximum operating heat input less than fifty million British
17 thermal units per hour as stated on the most recent application for a
18 certificate to operate] facility with any other operating approval.

19 [d. \$2,000.00 for a process air contamination source for an annual
20 emission rate equal to or greater than twenty-five tons per year of any
21 one of the following: sulfur dioxide, nitrogen dioxide, total particu-
22 lates, carbon monoxide, total volatile organic compounds and other
23 specific air contaminants. The annual emission rate shall be the actual
24 annual emission rate as stated on the most recent application for a
25 permit to construct or application for a certificate to operate. In the
26 event that hours of operation have not been specified on the applica-
27 tions then maximum possible hours of operation (8760 hours) will be used
28 to calculate actual annual emissions.

1 e. \$160.00 for a process air contamination source, except a gasoline
2 dispensing site, for an annual emission rate less than twenty-five tons
3 per year of any one of the following: sulfur dioxide, nitrogen dioxide,
4 total particulates, carbon monoxide, total volatile organic compounds
5 and other specific air contaminants. The annual emission rate shall be
6 the actual annual emission rate as applied for on the most recent appli-
7 cation for a permit to construct or application for a certificate to
8 operate. In the event that hours of operation have not been specified on
9 the applications then maximum possible hours of operation (8760 hours)
10 will be used to calculate actual annual emissions.

11 f. \$2,000.00 for an incinerator capable of charging two thousand
12 pounds of refuse per hour or greater. The charging capacity will be
13 established in accordance with the application for the most recent
14 permit to construct or application for a certificate to operate the
15 incinerator source and will be calculated on an emission point basis.

16 g. \$160.00 for an incinerator with a maximum design charge rate of
17 less than two thousand pounds of refuse per hour. The charging capacity
18 will be established in accordance with the application for the most
19 recent permit to construct or application for a certificate to operate
20 the incinerator source and will be calculated on an emission point
21 basis.]

22 Provided, however, that where a city or county is delegated the
23 authority to administer the state air quality control program, or any
24 portion thereof, pursuant to paragraph p of subdivision two of section
25 3-0301 of this chapter and such city or county collects a fee in
26 connection with the issuance of a permit, [certificate] registration, or
27 approval for a [combustion installation, incinerator or process air
28 contamination] stationary source subject to a state facility permit,

1 minor facility registration or other operating approval, no additional
2 liability for fees under this section shall accrue for the [particular
3 combustion installation, incinerator or process air contamination]
4 source that is subject to the delegation.

5 2. Notwithstanding the requirements of the state administrative proce-
6 dure act, beginning January first, two thousand sixteen and annually
7 thereafter, the fees listed in subdivision one of this section shall
8 increase by the percentage, if any, by which the consumer price index
9 exceeds the consumer price index for the prior calendar year. The
10 consumer price index for any calendar year is the average of the consum-
11 er price index for all urban consumers published by the United States
12 department of labor, as of the close of the twelve-month period ending
13 on August thirty-first of each calendar year. Such calculations and fees
14 shall be established as a rule by publication in the Environmental
15 Notice Bulletin no later than thirty days after the budget bills making
16 appropriations for the support of government are enacted or July first,
17 whichever is later, of the year such fee will be effective.

18 § 3. Subdivisions a, b, c, d, e, f, g, h, i, j, k, l, m, n, q and t of
19 section 72-0602 of the environmental conservation law, paragraphs a, b,
20 c, d, e, f, g, h, q and t as amended by section 1 of part JJ of chapter
21 59 of the laws of 2009, subdivision i as amended by section 1 of part T1
22 of chapter 62 of the laws of 2003, and subdivisions j, k, l, m and n as
23 amended by chapter 62 of the laws of 1989, are amended to read as
24 follows:

25 a. [~~\$300.00~~] \$375.00 for any P/C/I facilities having a permit to
26 discharge or discharging at an average daily rate of less than 100,000
27 gallons;

- 1 b. [\$600.00] \$750.00 for P/C/I facilities having a permit to discharge
2 or discharging at an average daily rate of 100,000 gallons or more;
- 3 c. [\$600.00] \$750.00 for industrial facilities having a permit to
4 discharge or discharging at an average daily rate of less than 10,000
5 gallons;
- 6 d. [\$2,000.00] \$2,300.00 for industrial facilities having a permit to
7 discharge or discharging at an average daily rate of between 10,000
8 gallons and 99,999 gallons;
- 9 e. [\$6,000.00] \$7,250.00 for industrial facilities having a permit to
10 discharge or discharging at an average daily rate of between 100,000
11 gallons and 499,999 gallons;
- 12 f. [\$20,000.00] \$25,000.00 for industrial facilities having a permit
13 to discharge or discharging at an average daily rate of between 500,000
14 and 999,999 gallons;
- 15 g. [\$30,000.00] \$37,000.00 for industrial facilities having a permit
16 to discharge or discharging at an average daily rate of between
17 1,000,000 and 9,999,999 gallons;
- 18 h. [\$50,000.00] \$58,000.00 for industrial facilities having a permit
19 to discharge or discharging at an average daily rate of 10,000,000
20 gallons or more;
- 21 i. [\$50,000.00] \$58,000.00 for any power plant;
- 22 j. [\$375.00] \$450.00 for municipal facilities having a permit to
23 discharge or discharging at an average daily rate of less than 200,000
24 gallons;
- 25 k. [\$1,875.00] \$2,000.00 for municipal facilities having a permit to
26 discharge or discharging at an average daily rate of between 200,000 and
27 999,999 gallons;

1 1. [\$7,500.00] \$8,000.00 for municipal facilities having a permit to
2 discharge or discharging at an average daily rate of between 1,000,000
3 and 4,999,999 gallons;

4 m. [\$15,000.00] \$15,500.00 for municipal facilities having a permit to
5 discharge or discharging at an average daily rate of between 5,000,000
6 and 39,999,999 gallons;

7 n. [\$37,500.00] \$38,500.00 for municipal facilities having a permit to
8 discharge or discharging at an average daily rate of 40,000,000 gallons
9 or more;

10 q. [\$100.00] \$125.00 per acre disturbed plus [\$600.00] \$700.00 per
11 future impervious acre for any facility, not owned or managed by a local
12 government or a state department, agency, or authority, discharging or
13 authorized to discharge pursuant to a SPDES permit for stormwater
14 discharges from construction activity. For the purposes of this subdivi-
15 sion, acres disturbed are acres subject to clearing, grading, or exca-
16 vating subject to SPDES permitting and future impervious acres are acres
17 that will be newly paved or roofed during construction;

18 t. [\$100.00] \$150.00 for any facility, other than a municipal separate
19 storm sewer as defined by 40 CFR §122.26 (b) (8), discharging or author-
20 ized to discharge pursuant to a general permit unless a specific fee is
21 imposed pursuant to subdivisions a through s of this section for such
22 discharge or authorization to discharge.

23 § 4. Section 72-0602 of the environmental conservation law is amended
24 by adding a new closing paragraph to read as follows:

25 Notwithstanding the provisions of the state administrative procedure
26 act, beginning January first, two thousand sixteen and annually there-
27 after, the fees listed above shall increase by the percentage, if any,
28 by which the consumer price index exceeds the consumer price index for

1 the prior calendar year. The consumer price index for any calendar year
2 is the average of the consumer price index for all urban consumers
3 published by the United States department of labor, as of the close of
4 the twelve-month period ending on August thirty-first of each calendar
5 year. Such calculations and fees shall be established as a rule by
6 publication in the Environmental Notice Bulletin no later than thirty
7 days after the budget bills making appropriations for the support of
8 government are enacted or July first, whichever is later, of the year
9 such fee will be effective.

10 § 5. This act shall take effect immediately and shall apply to all
11 bills issued on and after January 1, 2015.

12 PART Z

13 Section 1. Subdivision 3 of section 15-1525 of the environmental
14 conservation law, as amended by section 2 of part F of chapter 59 of the
15 laws of 2006, is amended to read as follows:

16 3. The certificate of registration shall require that, before the
17 commencement of drilling of any well or wells, the water well driller
18 shall file a preliminary notice with the department; it shall also
19 provide that upon the completion of the drilling of any water well or
20 water wells, a completion report be filed with the department, giving
21 the log of the well, the size and depth thereof, the capacity of the
22 pump or pumps attached or to be attached thereto, and such other infor-
23 mation pertaining to the withdrawal of water and operation of such water
24 well or water wells as the department by its rules and regulations may
25 require. The water well driller shall provide a copy of such completion
26 report to the water well owner. The number of the certificate of regis-

1 tration must be displayed on the well drilling machinery of the regis-
2 trant. The certificate of registration shall also contain a notice to
3 the certificate holder that the business activities authorized by such
4 certificate are subject to the provisions of article thirty-six-A of the
5 general business law. [The fee for such certificate of registration
6 shall be ten dollars annually.] The commissioner shall promulgate a
7 water well completion report form which shall be utilized by all water
8 well drillers in satisfying the requirements of this section and any
9 other provision of state or local law which requires the submission of a
10 water well completion report or water well log.

11 § 2. This act shall take effect immediately.

12 PART AA

13 Section 1. Paragraph 4 of subdivision (a) of section 83 of the state
14 finance law, as amended by chapter 512 of the laws of 1994, is amended
15 to read as follows:

16 4. (i) There is hereby created a special account within the conserva-
17 tion fund to be known as the state fish and game trust account to
18 consist of all moneys received by the state from the sale of lifetime
19 hunting, fishing, trapping, archery and muzzle-loading licenses pursuant
20 to section 11-0702 of the environmental conservation law. The state
21 comptroller shall invest the moneys in such account in securities as
22 defined by section ninety-eight-a of this article, except as provided in
23 subparagraph (iii) of this paragraph. Any income earned by the invest-
24 ment of such moneys, except income transferred to the conservation fund
25 pursuant to subparagraph (iii) of this paragraph, shall be added to and
26 become a part of, and shall be used for the purposes of such account.

1 (ii) The state comptroller shall provide an annual report of the trust
2 account which lists the amount of the principal, the principal trans-
3 ferred to the habitat conservation and access account pursuant to
4 subparagraph (iii) of this paragraph, the earned income, the earned
5 income accrued to the principal, and the earned income transferred to
6 the conservation fund pursuant to subparagraph (iii) of this paragraph
7 not later than April tenth of each year for the state fiscal year ending
8 the immediately preceding March thirty-first. A copy of such report
9 shall be transmitted, forthwith, to the director of the division of the
10 budget, the chairman of the senate finance committee, the chairman of
11 the assembly ways and means committee, the commissioner of the depart-
12 ment of environmental conservation and each of the eleven members of the
13 conservation fund advisory [council] board, created pursuant to section
14 [seven hundred] 11-0327 of the [executive] environmental conservation
15 law.

16 (iii) Earned income from the sale of all lifetime licenses, except
17 income earned on the proceeds of the sale of a lifetime license during
18 the period from sale of such license until April first of the year
19 following one full year of deposit of the proceeds of the sale of such
20 lifetime license, shall be available for deposit within the conservation
21 fund pursuant to paragraph one of this subdivision in an amount equal to
22 the cost of the appropriate annual license. The earned income which
23 exceeds the current cost of each annual license comparable to the life-
24 time license, shall be added to the trust account as principal. The
25 earned income from lifetime licenses issued to persons who are under the
26 legal age to implement such licenses shall be added to the trust account
27 as principal until such person becomes of legal age to hunt, fish or
28 trap. Beginning April first, two thousand fifteen, up to one million

1 five hundred thousand dollars annually from the state fish and game
2 trust account shall be available for deposit within the habitat conser-
3 vation and access account established pursuant to section eighty-three-a
4 of this article.

5 § 2. Subdivision (h) of section 83 of the state finance law is
6 REPEALED.

7 § 3. The state finance law is amended by adding a new section 83-a to
8 read as follows:

9 § 83-a. Habitat conservation and access account. (a) There is hereby
10 created an account within the miscellaneous capital projects fund, the
11 habitat conservation and access account. The habitat conservation and
12 access account shall consist of all moneys from funds of the state fish
13 and game trust account authorized to be deposited pursuant to subpara-
14 graph (iii) of paragraph four of subdivision (a) of section eighty-three
15 of this article received by the department of environmental conservation
16 from the sale of lifetime licenses for hunting, trapping, and fishing,
17 and all moneys, revenues and interest thereon received as a result of
18 the application of subdivision seventeen of section 11-0305 of the envi-
19 ronmental conservation law authorizing the issuance and sale of volun-
20 tary habitat stamps, other than the amount retained by the issuing agent
21 or officer. The habitat conservation and access account shall be
22 subject to the same restrictions and protections as the conservation
23 fund.

24 (b) These moneys, after appropriation by the legislature, and within
25 the amounts set forth and for the several purposes specified, shall be
26 available to the department of environmental conservation for the capi-
27 tal expenses associated with management, protection, and restoration of

1 fish and wildlife habitats, and improvement and development of public
2 access for fish and wildlife related recreation.

3 (c) All payments made from the habitat conservation and access account
4 shall be made by the department of taxation and finance after audit and
5 upon warrant of the comptroller on vouchers approved by the commissioner
6 of environmental conservation. After appropriations made available from
7 the habitat conservation and access account shall cease to have force
8 and effect, any balances remaining unexpended and not required to meet
9 the proper and necessary expenses of the division of fish and wildlife
10 shall revert to the state fish and game trust account established pursu-
11 ant to paragraph four of subdivision (a) of section eighty-three of this
12 article.

13 (d) No funds may be transferred or used in any way which would result
14 in the loss of eligibility for federal benefits or federal funds pursu-
15 ant to federal law, rule, or regulation as assented to in chapter six
16 hundred eighty-three of the laws of nineteen hundred thirty-eight and
17 chapter seven hundred of the laws of nineteen hundred fifty-one.

18 § 4. Subdivision 17 of section 11-0305 of the environmental conserva-
19 tion law, as added by section 3 of part F of chapter 82 of the laws of
20 2002, is amended to read as follows:

21 17. To prepare or cause to be prepared voluntary habitat stamps and
22 furnish such stamps annually to license issuing agents and officers for
23 sale and issuance in the same manner as licenses and other types of
24 stamps. The department shall, by rule, establish the fee for the habitat
25 stamp which shall [not exceed] be no less than five dollars plus an
26 additional amount for the issuing agent or officer. The purchase of a
27 stamp is voluntary and a stamp need not be possessed in order to take
28 fish or wildlife.

