

FY 2025 Executive Budget Amendments

**Amendments to Senate S.8308; Assembly A.8808  
(TED Article VII Bill)**

**Part H**, relating to Department of Motor Vehicles' Online Insurance Verification System, is amended to:

- Make technical amendments to the effective date to ensure that the current system stays in place until the new system is functional.

**Part L**, relating to the New York Waterfront Commission Statute, is amended to:

- Make technical amendments related to the retirement provisions as well as other technical changes.

**Part T**, relating to air quality control program fees; and to repeal certain provisions of the environmental conservation law and the state finance law relating thereto, is amended to:

- Make a technical amendment.

**Part U**, relating to authorizing the Dormitory Authority of the State of New York to provide additional services to state agencies and local governments for certain projects, is amended to:

- Make a technical amendment to identify the Facilities Development Corporation Act.

**Part FF**, relating to combatting discrimination in housing, is amended to:

- Make a technical amendment relating to a statutory reference.

**New Part MM**, relating to the artificial intelligence deceptive practices, is added to:

- Amend the Civil Rights Law, Penal Law and Election Law to enhance protections against the unlawful or unauthorized dissemination of false digital materials.

**New Part NN**, relating to rates for livery insurance, is added to:

- Amend the Insurance Law to ensure that livery insurance rates are actuarially justified and approved by regulators. This part will also create parity between livery insurers and other auto insurers.

Amend Senate S8308, Assembly A8808, AN ACT to amend part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York Transit authority..

Page	Line	Amendment
Page 3,	Unnumbered lines 11 through 12 (AN ACT CLAUSE),	After "and the" strike out "health and mental hygiene"
Page 3,	Unnumbered line 51 (AN ACT CLAUSE),	After "(Part KK);" strike out "and"
Page 3,	Unnumbered line 54 (AN ACT CLAUSE),	After "(Part LL)" insert "; to amend the civil rights law, in relation to privacy rights involving digitization (Subpart A); to amend the penal law, in relation to defining the crime of unlawful dissemination or publication of a fabricated photographic, videographic, or audio record, and updating the definition of certain crimes to include digitization (Subpart B); and to amend the election law, in relation to digitization in political communications (Subpart C) (Part MM); and to amend the insurance law, in relation to rates for livery insurance (Part NN)"
Page 4,	Line 5,	After "through" strike out "LL" and insert "NN"
Page 21,	Line 4,	After "one" strike out "and two" and insert "four, six, and seven"
Page 21,	Line 7,	After "section" strike out "three" and insert "two"
Page 30,	Line 6,	After "hold" strike out " <u>himself</u> " and insert " <u>oneself</u> "
Page 42,	Line 10,	After " <u>continue</u> " strike out " <u>in his</u> "
Page 56,	Line 12,	After " <u>with</u> " strike out " <u>his or her</u> " and insert " <u>the person's</u> "
Page 56,	Line 13,	After " <u>on</u> " strike out " <u>his or her</u> " and insert " <u>the person's</u> "
Page 60,	Lines 49 and 50,	After "3." strike out " <u>Notwithstanding the provisions of any other law in either state, any</u> " and insert " <u>Any</u> "
Page 60,	Lines 50 and 51,	Before " <u>who shall</u> " strike out " <u>either state</u> " and insert " <u>New York State</u> "
Page 60,	Lines 52 and 53,	After " <u>of</u> " strike out " <u>any existing state, county or municipal pension or retirement system in New</u> "

		Jersey or" and insert "the" and after "New York" insert "State and Local Retirement System"
Page 60,	Line 54,	After "such" strike out "fund,"
Page 60,	Line 55,	After "system" strike out "or systems"
Page 60 and 61,	Lines 55 through 7,	After "as" strike out "if the person had continued in the person's state, county or municipal office or employment, but during the period of the person's service as a commissioner, officer or employee of the commission, all contributions to any pension or retirement fund or system to be paid by the employer on account of such commissioner, officer or employee shall be paid by the commission. The commission may, by agreement with the appropriate federal agency, make similar provisions relating to continuance of retirement system membership for any federal officer or employee so transferred." and insert "provided under the New York Retirement and Social Security Law."
Page 95,	Line 27,	Before "site," strike out brackets around "[dispencing]" and strike out "dispensing"
Page 98,	Line 47,	After "constituting the" strike out "health and mental hygiene" and after "facilities" strike out "improvement" and insert "development corporation"
Page 114,	Lines 9 and 10,	After "(a)" strike out "Except as provided in subsection (b) of the Section, an" and insert "An"
Page 130,	Between lines 8 and 9,	Insert New Part MM (LBD #73049-03-4) Insert New Part NN (LBD #73050-01-4)
Page 130,	Line 19,	After "through" strike out "LL" and insert "NN"

from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part Q); to amend the agriculture and markets law, in relation to application fees for the licensing of weighmasters (Part R); to amend the environmental conservation law, in relation to authorizing state assistance payments toward climate smart community projects of up to eighty percent to municipalities that meet criteria relating to financial hardship or disadvantaged communities (Part S); to amend the environmental conservation law, in relation to air quality control program fees; and to repeal certain provisions of the environmental conservation law and the state finance law relating thereto (Part T); to amend the public authorities law and the ~~health and mental hygiene~~ facilities development corporation act, in relation to authorizing the dormitory authority to provide additional services to state agencies and local governments for certain projects (Part U); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part V); to amend the public authorities law, in relation to the Battery Park city authority (Part W); to amend the economic development law, in relation to increasing the cap on grants to entrepreneurship assistance centers (Part X); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part Y); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part Z); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part AA); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part BB); to amend the banking law, in relation to the regulation of buy-now-pay-later lenders (Part CC); to amend the insurance law, in relation to supplemental spousal liability insurance (Part DD); to amend the insurance law, in relation to cost sharing for covered prescription insulin drugs (Part EE); to amend the insurance law, in relation to affordable housing (Part FF); to amend the general business law, in relation to prohibiting the sale of batteries for micromobility devices (Part GG); to amend the insurance law, in relation to certain penalties (Part HH); to amend the general business law, the banking law, and the social services law, in relation to protecting eligible adults from financial exploitation (Part II); to amend the general business law, in relation to enacting the "Consumer Protection Act" (Part JJ); to amend chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to extending the provisions thereof (Part KK); ~~and~~ to amend the insurance law, in relation to reinsurance, distribution for life insurers, and assessments; and to amend the tax law, in relation to the credit relating to life and health insurance guaranty corporation assessments (Part LL); to amend the civil rights law, in relation to privacy rights involving digitization (Subpart A); to amend the penal law, in relation to defining the crime of unlawful dissemination or publication of a fabricated photographic, videographic, or audio record, and updating the definition of

certain crimes to include digitization (Subpart B); and to amend the election law, in relation to digitization in political communications (Subpart C)(Part MM);to amend the insurance law, in relation to rates for livery insurance (Part NN)

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement the state transportation, economic development  
3 and environmental conservation budget for the 2024-2025 state fiscal  
4 year. Each component is wholly contained within a Part identified as  
5 Parts A through ~~LL~~NN. The effective date for each particular provision  
6 contained within such Part is set forth in the last section of such  
7 Part. Any provision in any section contained within a Part, including  
8 the effective date of the Part, which makes a reference to a section "of  
9 this act", when used in connection with that particular component, shall  
10 be deemed to mean and refer to the corresponding section of the Part in  
11 which it is found. Section three of this act sets forth the general  
12 effective date of this act.

13 PART A

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

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

25 § 2. This act shall take effect immediately.

26 PART B

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

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

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

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

12 PART I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1     2. "Bi-state commission" shall mean the Waterfront Commission of New  
2 York Harbor established by the state of New York pursuant to P.L. 1953,  
3 c.882 (NY Unconsol. Ch.307, s.1) and by the state of New Jersey pursuant  
4 to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.).
- 5     3. "Carrier of freight by water" shall mean any person who may be  
6 engaged or who may hold himself out as willing to be engaged,  
7 whether as  
8 a common carrier, as a contract carrier or otherwise (except for  
9 carriage of liquid cargoes in bulk in tank vessels designed for use  
10 exclusively in such service or carriage by barge of bulk cargoes  
11 consisting of only a single commodity loaded or carried without wrappers  
12 or containers and delivered by the carrier without transportation mark  
13 or count) in the carriage of freight by water between any point in the  
14 port of New York district and a point outside said district.
- 15     4. "Container" shall mean any receptacle, box, carton or crate which  
16 is specifically designed and constructed so that it may be repeatedly  
17 used for the carriage of freight by a carrier of freight by water.
- 18     5. "Checker" shall mean a longshoreman who is employed to engage in  
19 direct and immediate checking of waterborne freight or of the custodial  
20 accounting therefor or in the recording or tabulation of the hours  
21 worked at piers or other waterfront terminals by natural persons  
22 employed by carriers of freight by water or stevedores.
- 23     6. "Commission" shall mean the New York waterfront commission estab-  
24 lished by section five hundred thirty-four-c of this article.
- 25     7. "Career offender" shall mean a person whose behavior is pursued in  
26 an occupational manner or context for the purpose of economic gain  
27 utilizing such methods as are deemed criminal violations against the  
28 public policy of the state of New York.
- 29     8. "Career offender cartel" shall mean a number of career offenders  
30 acting in concert, and may include what is commonly referred to as an  
31 organized crime group.
- 32     9. "Court of the United States" shall mean all courts enumerated in  
33 section four hundred fifty-one of title twenty-eight of the United  
34 States Code and the courts-martial of the armed forces of the United  
35 States.
- 36     10. "Freight" shall mean freight which has been, or will be, carried  
37 by or consigned for carriage by a carrier of freight by water.
- 38     11. "Hiring agent" shall mean any natural person, who on behalf of a  
39 carrier of freight by water or a stevedore or any other person shall  
40 select any longshoreman for employment.
- 41     12. "Longshoreman" shall mean: (a) a natural person, other than a  
42 hiring agent, who is employed for work at a pier or other waterfront  
43 terminal, either by a carrier of freight by water or by a stevedore to:  
44 (1) physically move waterborne freight on vessels berthed at piers, on  
45 piers or at other waterfront terminals; or  
46 (2) engage in direct and immediate checking of any such freight or of  
47 the custodial accounting therefor or in the recording or tabulation of  
48 the hours worked at piers or other waterfront terminals by natural  
49 persons employed by carriers of freight by water or stevedores; or  
50 (3) supervise directly and immediately others who are employed as in  
51 subparagraph one of this paragraph; or  
52 (4) physically perform labor or services incidental to the movement of  
53 waterborne freight on vessels berthed at piers, on piers or at other  
54 waterfront terminals, including, but not limited to, cargo repairmen,  
55 coopers, general maintenance men, mechanical and miscellaneous workers,  
horse and cattle fitters, grain ceilers and marine carpenters; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 or registration pursuant to this article;

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

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

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

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

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

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

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

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

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

1 (i) one hundred tons per year of oxides of nitrogen, or if located in  
2 a severe ozone nonattainment area, twenty-five tons per year; or  
3 (ii) one hundred tons per year of sulfur dioxide; or  
4 (iii) one hundred tons per year of particulates] \$5,000.00 for each  
5 state facility permit.

6 b. [\$2,000.00 for all stationary combustion installations which are  
7 not included under paragraph a of this subdivision and which have a  
8 maximum operating heat input greater than fifty million British thermal  
9 units per hour as stated on the most recent application for a certif-  
10 icate to operate] \$500.00 for each registration or other operating  
11 approval.

12 [c. \$100.00 for a stationary combustion installation having a maximum  
13 operating heat input less than fifty million British thermal units per  
14 hour as stated on the most recent application for a certificate to oper-  
15 ate.

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

26 e. \$160.00 for a process air contamination source, except a gasoline  
27 ~~dispensing~~ **-dispensing** site, for an annual emission rate less than  
28 twenty-five tons per year of any one of the following: sulfur dioxide,  
29 nitrogen dioxide, total particulates, carbon monoxide, total volatile  
30 organic compounds and other specific air contaminants. The annual emis-  
31 sion rate shall be the actual annual emission rate as applied for on the  
32 most recent application for a permit to construct or application for a  
33 certificate to operate. In the event that hours of operation have not  
34 been specified on the applications then maximum possible hours of opera-  
35 tion (8760 hours) will be used to calculate actual annual emissions.

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

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

47 Provided, however, that where a city or county is delegated the  
48 authority to administer the state air quality control program, or any  
49 portion thereof, pursuant to paragraph p of subdivision two of section  
50 3-0301 of this chapter and such city or county collects a fee in  
51 connection with the issuance of a permit, [certificate] registration or  
52 other operating approval [for a combustion installation, incinerator or  
53 process air contamination source] pursuant to the state air quality  
54 control program and the rules and regulations adopted by the department  
55 hereunder, no additional liability for fees under this section shall

1 Any state agency, county, city, town, and village, where such entity  
 2 is undertaking a project funded in whole, or in part, by the New York  
 3 State Environmental Bond Act of 2022; or funded in whole or in part by  
 4 the Federal government through the American Rescue Plan Act of 2021, the  
 5 Infrastructure Investment and Jobs Act of 2021, and the Inflation  
 6 Reduction Act of 2022.

7 § 3. Paragraph (b) of subdivision 2 of section 1676 of the public  
 8 authorities law is amended by adding a new undesignated paragraph to  
 9 read as follows:

10 Any municipal corporation, subdivision, department or agency thereof,  
 11 fire district, special district, local agency, industrial development  
 12 agency, or local development corporation, receiving loans or grants  
 13 awarded pursuant to: (i) the downtown revitalization program adminis-  
 14 tered by the department of state and the division of housing and commu-  
 15 nity renewal for transformative housing, economic development, transpor-  
 16 tation, and community projects, for the planning, design, construction,  
 17 reconstruction, improvement, renovation, development, expansion,  
 18 furnishing, and equipping of such transformative housing, economic  
 19 development, transportation and community projects for which the recipi-  
 20 ent received such loans or grants; and (ii) the NY Forward grant program  
 21 administered by the department of state related to economic development,  
 22 transportation and community projects, for the planning, design,  
 23 construction, reconstruction, improvement, renovation, development,  
 24 expansion, furnishing, and equipping of such economic development,  
 25 transportation and community projects for which the recipient was  
 26 awarded such grant.

27 § 4. Subdivision 1 of section 1680 of the public authorities law is  
 28 amended by adding a new undesignated paragraph to read as follows:

29 Any municipal corporation, subdivision, department or agency thereof,  
 30 fire district, special district, local agency, industrial development  
 31 agency, or local development corporation, receiving loans or grants  
 32 awarded pursuant to: (i) the downtown revitalization program adminis-  
 33 tered by the department of state and the division of housing and commu-  
 34 nity renewal for transformative housing, economic development, transpor-  
 35 tation, and community projects, for the planning, design, construction,  
 36 reconstruction, improvement, renovation, development, expansion,  
 37 furnishing, and equipping of such transformative housing, economic  
 38 development, transportation and community projects for which the recipi-  
 39 ent received such loans or grants; and (ii) the NY Forward grant program  
 40 administered by the department of state related to economic development,  
 41 transportation and community projects, for the planning, design,  
 42 construction, reconstruction, improvement, renovation, development,  
 43 expansion, furnishing, and equipping of such economic development,  
 44 transportation and community projects for which the recipient was  
 45 awarded such grant.

46 § 5. Subdivision 13-a of section 3 of chapter 359 of the laws of 1968,  
 47 constituting the ~~health and mental hygiene~~ facilities development  
 48 corporation ~~improvement~~ act,  
 49 as added by section 1 of chapter 968 of the laws of 1981, is amended to  
 49 read as follows:

50 13-a. "Municipal building" shall mean [a] any building, structure, or  
 51 improvement, including, without limitation, infrastructure improvements,  
 52 including grading or improvement of the site, furnishings, equipment and  
 53 utility services in conjunction with such [a building, to be principally  
 54 used for the administrative offices of a municipality or for the storage  
 55 or repair of maintenance equipment] project. Nothing herein shall be  
 56 construed to prevent the corporation from entering into an agreement for

1 subject to a deductible, copayment, coinsurance or any other cost shar-  
2 ing requirement.

3 § 4. This act shall take effect January 1, 2025 and shall apply to  
4 any policy or contract issued, renewed, modified, altered, or amended on  
5 or after such date.

6

PART FF

7 Section 1. The insurance law is amended by adding a new section 3423  
8 to read as follows:

9 § 3423. ~~Affordable housing underwriting and rating. (a) Except as~~  
10 ~~provided in subsection (b) of this section, an~~ An insurer that issues or  
11 delivers in this state insurance covering loss of or damage to real  
12 property containing units used for residential purposes shall not  
13 inquire about on an application, nor shall an insurer cancel, refuse to  
14 issue, refuse to renew, or increase the premium of a policy based on,  
15 the following:

16 (1) the level or source of income of an individual or group of indi-  
17 viduals residing or intending to reside upon the property to be insured,  
18 if the individual or group of individuals is not the owner of the real  
19 property;

20 (2) the real property containing any residential dwelling units that  
21 must be affordable to residents at a specific income level pursuant to  
22 statute, regulations, restrictive declaration, or pursuant to a regula-  
23 tory agreement with a state or local government entity; or

24 (3) the real property owner or the residents therein receiving govern-  
25 ment housing subsidies, including the receipt of federal vouchers issued  
26 under section eight of the United States Housing Act of 1937 (42 U.S.C.  
27 § 1437f).

28 (b) Nothing in this section shall prohibit an insurer from refusing to  
29 accept an application for, canceling, refusing to issue, refusing to  
30 renew, or increasing the premium of, an insurance policy as a result of  
31 underwriting or rating factors, except as specified in subsection (a) of  
32 this section or as otherwise prohibited by this chapter or any other  
33 law.

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

36

PART GG

37 Section 1. The general business law is amended by adding a new article  
38 28-G to read as follows:

ARTICLE 28-G

BATTERIES FOR MICROMOBILITY DEVICES

41 Section 495. Definitions.

42 496. Sale of lithium-ion batteries and second-use lithium-ion  
43 batteries.

44 § 495. Definitions. As used in this article, the following terms shall  
45 have the following meanings:

46 1. "Lithium-ion battery" means a storage battery in which an elec-  
47 trical current is generated by lithium ions embedded in a carbon  
48 graphite or nickel metal-oxide substrate placed in a high-viscosity  
49 carbonate mixture or gelled polymer electrolyte.

50 2. "Second-use lithium-ion battery" means a lithium-ion battery that  
51 has been assembled, refurbished, repaired, repurposed or reconditioned  
52 using cells removed from used batteries.

1 than section 1505-a of such article, in the taxable year beginning on or  
2 after such date; and

3 (ii) any amount of credit allowed pursuant to the previous paragraph  
4 shall be subject to the carryover provision of paragraph 3 of subdivi-  
5 sion (f) of section 1511 of the tax law, as such subdivision has been  
6 amended by section six of this act.

7 § 9. This act shall take effect immediately and shall apply to taxable  
8 years beginning on or after January 1, 2024.

Insert New Part MM (LBD #73049-03-4)

Insert New Part NN (LBD #73050-01-4)

9 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
10 sion, section or part of this act shall be adjudged by any court of  
11 competent jurisdiction to be invalid, such judgment shall not affect,  
12 impair, or invalidate the remainder thereof, but shall be confined in  
13 its operation to the clause, sentence, paragraph, subdivision, section  
14 or part thereof directly involved in the controversy in which such judg-  
15 ment shall have been rendered. It is hereby declared to be the intent of  
16 the legislature that this act would have been enacted even if such  
17 invalid provisions had not been included herein.

18 § 3. This act shall take effect immediately provided, however, that  
19 the applicable effective date of Parts A through ~~LLNN~~ of this act shall be  
20 as specifically set forth in the last section of such Parts.

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the civil rights law, in relation to privacy rights involving digitization (Subpart A); to amend the penal law, in relation to defining the crime of unlawful dissemination or publication of a fabricated photographic, videographic, or audio record, and updating the definition of certain crimes to include digitization (Subpart B); and to amend the election law, in relation to digitization in political communications (Subpart C) (Part \_);

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

1 PART \_\_

2 Section 1. Short title. This act shall be known and may be cited as  
3 the "artificial intelligence deceptive practices act".

4 § 2. This act enacts into law major components of legislation neces-  
5 sary to implement the artificial intelligence deceptive practices act.  
6 Each component is wholly contained within a Subpart identified as  
7 Subparts A through C. The effective date for each particular provision  
8 contained within such Subpart is set forth in the last section of such  
9 Subpart. Any provision in any section contained within a Subpart,  
10 including the effective date of the Subpart, which makes a reference to  
11 a section "of this act", when used in connection with that particular  
12 component, shall be deemed to mean and refer to the corresponding  
13 section of the Subpart in which it is found. Section four of this act  
14 sets forth the general effective date of this act.

15 SUBPART A

1 Section 1. Section 50 of the civil rights law is amended to read as  
2 follows:

3 § 50. Right of privacy. A person, firm or corporation that uses for  
4 advertising purposes, or for the purposes of trade, the name, portrait  
5 [or], picture, likeness, or voice of any living person without having  
6 first obtained the written consent of such person, or if a minor of [his  
7 or her] such minor's parent or guardian, is guilty of a misdemeanor.

8 § 2. Section 51 of the civil rights law, as amended by chapter 674 of  
9 the laws of 1995, is amended to read as follows:

10 § 51. Action for injunction and for damages. Any person whose name,  
11 portrait, picture, likeness or voice is used within this state for  
12 advertising purposes or for the purposes of trade without the written  
13 consent first obtained as above provided may maintain an equitable  
14 action in the supreme court of this state against the person, firm or  
15 corporation so using [his] such person's name, portrait, picture, like-  
16 ness or voice, to prevent and restrain the use thereof; and may also sue  
17 and recover damages for any injuries sustained by reason of such use and  
18 if the defendant shall have knowingly used such person's name, portrait,  
19 picture, likeness or voice in such manner as is forbidden or declared to  
20 be unlawful by section fifty of this article, the jury, in its  
21 discretion, may award exemplary damages. But nothing contained in this  
22 article shall be so construed as to prevent any person, firm or corpo-  
23 ration from selling or otherwise transferring any material containing  
24 such name, portrait, picture, likeness or voice in whatever medium to  
25 any user of such name, portrait, picture, likeness or voice, or to any  
26 third party for sale or transfer directly or indirectly to such a user,  
27 for use in a manner lawful under this article; nothing contained in this  
28 article shall be so construed as to prevent any person, firm or corpo-

1 ration, practicing the profession of photography, from exhibiting in or  
2 about [his or its] their establishment specimens of the work of such  
3 establishment, unless the same is continued by such person, firm or  
4 corporation after written notice objecting thereto has been given by the  
5 person portrayed; and nothing contained in this article shall be so  
6 construed as to prevent any person, firm or corporation from using the  
7 name, portrait, picture, likeness or voice of any manufacturer or dealer  
8 in connection with the goods, wares and merchandise manufactured,  
9 produced or dealt in by [him] such manufacturer or dealer which [he has]  
10 they have sold or disposed of with such name, portrait, picture, like-  
11 ness or voice used in connection therewith; or from using the name,  
12 portrait, picture, likeness or voice of any author, composer or artist  
13 in connection with [his] their literary, musical or artistic productions  
14 which [he has] they have sold or disposed of with such name, portrait,  
15 picture, likeness or voice used in connection therewith. Nothing  
16 contained in this section shall be construed to prohibit the copyright  
17 owner of a sound recording from disposing of, dealing in, licensing or  
18 selling that sound recording to any party, if the right to dispose of,  
19 deal in, license or sell such sound recording has been conferred by  
20 contract or other written document by such living person or the holder  
21 of such right. Nothing contained in the foregoing sentence shall be  
22 deemed to abrogate or otherwise limit any rights or remedies otherwise  
23 conferred by federal law or state law.

24 § 3. The opening paragraph of subdivision 1 and subdivisions 4 and 5  
25 of section 52-b of the civil rights law, as added by chapter 109 of the  
26 laws of 2019, are amended and a new subdivision 11 is added to read as  
27 follows:

1 Any person depicted in a still or video image, including an image  
2 created or altered by digitization, regardless of whether or not the  
3 original still or video image was consensually obtained, shall have a  
4 cause of action against an individual who, for the purpose of harassing,  
5 annoying or alarming such person, disseminated or published, or threat-  
6 ened to disseminate or publish, such still or video image, where such  
7 image:

8 4. Any person depicted in a still or video image, including an image  
9 created or altered by digitization, that depicts an unclothed or exposed  
10 intimate part of such person, or such person engaging in sexual conduct  
11 as defined in subdivision ten of section 130.00 of the penal law with  
12 another person, which is disseminated or published without the consent  
13 of such person and where such person had a reasonable expectation that  
14 the image would remain private, may maintain an action or special  
15 proceeding for a court order to require any website that is subject to  
16 personal jurisdiction under subdivision five of this section to perma-  
17 nently remove such still or video image; any such court order granted  
18 pursuant to this subdivision may direct removal only as to images that  
19 are reasonably within such website's control.

20 5. a. Any website that hosts or transmits a still or video image,  
21 including an image created or altered by digitization, viewable in this  
22 state, taken under circumstances where the person depicted had a reason-  
23 able expectation that the image would remain private, which depicts:

24 (i) an unclothed or exposed intimate part, as defined in section  
25 245.15 of the penal law, of a resident of this state; or

26 (ii) a resident of this state engaging in sexual conduct as defined in  
27 subdivision ten of section 130.00 of the penal law with another person;

28 and

1 b. Such still or video image is hosted or transmitted without the  
2 consent of such resident of this state, shall be subject to personal  
3 jurisdiction in a civil action in this state to the maximum extent  
4 permitted under the United States constitution and federal law.

5 11. For purposes of this section, "digitization" means the use of  
6 software, machine learning, artificial intelligence, or any other compu-  
7 ter-generated or technological means, including adapting, modifying,  
8 manipulating, or altering a realistic depiction.

9 § 4. Paragraph b of subdivision 1 of section 52-c of the civil rights  
10 law, as added by chapter 304 of the laws of 2020, is amended to read as  
11 follows:

12 b. "digitization" means to realistically depict the nude body parts of  
13 another human being as the nude body parts of the depicted individual,  
14 computer-generated nude body parts as the nude body parts of the  
15 depicted individual or the depicted individual engaging in sexual  
16 conduct, as defined in subdivision ten of section 130.00 of the penal  
17 law, in which the depicted individual did not engage. "Digitization"  
18 may also mean the use of software, machine learning, artificial intelli-  
19 gence, or any other computer-generated or technological means, including  
20 adapting, modifying, manipulating, or altering a realistic depiction.

21 § 5. The civil rights law is amended by adding a new section 50-h to  
22 read as follows:

23 § 50-h. Private right of action for false light invasion of privacy.

24 1. For the purposes of this section:

25 a. "depicted individual" means an individual whose picture, portrait  
26 or voice appears in digitally-altered material in a realistic manner.

27 b. "actor" means a human being or a legal entity.

28 c. "individual" means a natural individual.

1 d. "digitization" means the use of software, machine learning, artifi-  
2 cial intelligence, or any other computer-generated or technological  
3 means, including adapting, modifying, manipulating, or altering a real-  
4 istic depiction.

5 e. "digitally-altered material" means any audio or visual media,  
6 including any photograph, film, videotape, audio recording or similar  
7 medium that has been created or altered in a realistic manner using  
8 digitization.

9 2. a. A depicted individual shall have a cause of action against an  
10 actor who discloses, disseminates, or publishes digitally-altered mate-  
11 rial that contains a false statement or representation which places such  
12 individual in a false light, if:

13 i. the false light in which the depicted individual was placed would  
14 be highly offensive to a reasonable person; and

15 ii. (A) where the depicted individual is a private person, the actor  
16 knew or in the exercise of reasonable care should have known of the  
17 falsity of such digitally-altered material; or (B) where the depicted  
18 individual is a public figure, the actor had knowledge of or acted with  
19 reckless disregard as to the falsity of such digitally-altered material.

20 b. It shall not be a defense to an action under this section that  
21 there is a disclaimer that the digitally-altered material that places  
22 the depicted individual in a false light was unauthorized or that the  
23 depicted individual did not participate in the creation or development  
24 of the digitally-altered material.

25 3. A cause of action under this section shall be commenced the later  
26 of either:

1 a. three years after the disclosure, dissemination or publication of  
2 the digitally-altered material that places the depicted individual in a  
3 false light;

4 b. one year from the date a person discovers, or reasonably should  
5 have discovered, the disclosure, dissemination or publication of such  
6 digitally-altered material that places the depicted individual in a  
7 false light.

8 4. In any action commenced pursuant to this section, the finder of  
9 fact, in its discretion, may award injunctive relief, punitive damages,  
10 compensatory damages and reasonable court costs and attorneys' fees.

11 5. Nothing in this section shall be read to require a prior criminal  
12 complaint, prosecution or conviction to establish the elements of the  
13 cause of action provided for in this section.

14 6. The provisions of this section including the remedies are in addi-  
15 tion to, and shall not supersede, any other rights or remedies available  
16 in law or equity.

17 7. If any provision of this section or its application to any person  
18 or circumstance is held invalid, the invalidity shall not affect other  
19 provisions or applications of this section which can be given effect  
20 without the invalid provision or application, and to this end the  
21 provisions of this section are severable.

22 8. Nothing in this section shall be construed to limit, or to enlarge,  
23 the protections that 47 U.S.C. § 230 confers on an interactive computer  
24 service for content provided by another information content provider, as  
25 such terms are defined in 47 U.S.C. § 230.

26 § 6. This act shall take effect immediately.

1 Section 1. Section 10.00 of the penal law is amended by adding a new  
2 subdivision 23 to read as follows:

3 23. "Digitization" means the use of software, machine learning, arti-  
4 ficial intelligence, or any other computer-generated or technological  
5 means, including adapting, modifying, manipulating, or altering a real-  
6 istic depiction.

7 § 2. The penal law is amended by adding a new section 15.30 to read as  
8 follows:

9 § 15.30 Effect of use of digitization upon liability.

10 A person is not relieved of criminal liability for conduct because it  
11 involves the use of digitization, regardless of whether the material  
12 created or altered by digitization indicates through a label or some  
13 other form of information published that digitization was used. Evidence  
14 of use of digitization may be offered whenever it is relevant to estab-  
15 lish or negative the crime charged.

16 § 3. Section 245.15 of the penal law, as added by chapter 109 of the  
17 laws of 2019, subdivisions 1 and 2 as amended by chapter 513 of the laws  
18 of 2023, is amended to read as follows:

19 § 245.15 Unlawful dissemination or publication of an intimate image or  
20 audio record.

21 1. A person is guilty of unlawful dissemination or publication of an  
22 intimate image or audio record when:

23 (a) (i) with intent to cause harm to the emotional, financial or phys-  
24 ical welfare of another person, they intentionally disseminate or  
25 publish a still or video image depicting such other person with one or  
26 more intimate parts exposed or engaging in obscene or sexual conduct  
27 [with another person], including an image created or altered by digiti-  
28 zation, where such person may reasonably be identified from the still or

1 video image itself or from information displayed in connection with the  
2 still or video image; and

3 [(b)] (ii) the actor knew or reasonably should have known that the  
4 person depicted did not consent to such dissemination or publication,  
5 including the dissemination or publication of an image taken with the  
6 consent of the person depicted when such person had a reasonable expec-  
7 tation that the image would remain private, regardless of whether the  
8 actor was present when such image was taken[.]; or

9 (b) (i) with intent to cause harm to the emotional, financial or phys-  
10 ical welfare of another person, they intentionally disseminate or  
11 publish an audio record depicting such other person engaging in sexual  
12 or obscene conduct, including an audio record created or altered by  
13 digitization, where such person may reasonably be identified from the  
14 audio record itself or from information displayed in connection with the  
15 audio record; and

16 (ii) the actor knew or reasonably should have known that the person  
17 depicted did not consent to such dissemination or publication, including  
18 the dissemination or publication of an audio record taken with the  
19 consent of the person depicted when such person had a reasonable expec-  
20 tation that the audio record would remain private, regardless of whether  
21 the actor was present when such audio record was taken.

22 2. For purposes of this section the following terms shall have the  
23 following meanings:

24 (a) "intimate part" means the naked genitals, pubic area, anus or  
25 female nipple of the person;

26 (b) "disseminate" and "publish" shall have the same meaning as defined  
27 in section 250.40 of this title;

1 (c) "sexual conduct" shall have the same meaning as defined in subdi-  
2 vision ten of section 130.00 of this chapter; and

3 (d) ["digitization" shall mean to alter an image in a realistic manner  
4 utilizing an image or images of a person, other than the person  
5 depicted, or computer generated images] "obscene" shall have the same  
6 meaning as defined in section 235.00 of this part.

7 3. This section shall not apply to the following:

8 (a) the reporting of unlawful conduct;

9 (b) dissemination or publication of an intimate image or audio record  
10 made during lawful and common practices of law enforcement, legal  
11 proceedings or medical treatment;

12 (c) images and audio records involving voluntary exposure in a public  
13 or commercial setting; or

14 (d) dissemination or publication of an intimate image or audio record  
15 made for a legitimate public purpose.

16 4. Nothing in this section shall be construed to limit, or to enlarge,  
17 the protections that 47 U.S.C § 230 confers on an interactive computer  
18 service for content provided by another information content provider, as  
19 such terms are defined in 47 U.S.C. § 230.

20 Unlawful dissemination or publication of an intimate image or audio  
21 record is a class A misdemeanor.

22 § 4. Section 135.60 of the penal law, as amended by section 1 of part  
23 NN of chapter 55 of the laws of 2018, the opening paragraph as amended  
24 by chapter 484 of the laws of 2021, subdivision 10 as added by chapter  
25 447 of the laws of 2021, is amended to read as follows:

26 § 135.60 Coercion in the third degree.

27 A person is guilty of coercion in the third degree when [he or she]  
28 such person compels or induces a person to engage in conduct which the

1 latter has a legal right to abstain from engaging in, or to abstain from  
2 engaging in conduct in which [he or she] such latter person has a legal  
3 right to engage, or compels or induces a person to join a group, organ-  
4 ization or criminal enterprise which such latter person has a right to  
5 abstain from joining, or compels or induces a person to produce, dissem-  
6 inate, or otherwise display an image or images or audio record or  
7 records depicting nudity of such person [or], depicting such person  
8 engaged in sexual conduct as defined in subdivisions two and three of  
9 section 235.20 of this chapter, or depicting such other person engaged  
10 in conduct that is obscene as defined in section 235.00 of this part,  
11 including when such material is created or altered by digitization, by  
12 means of instilling in [him or her] such other person a fear that, if  
13 the demand is not complied with, the actor or another will:

- 14 1. Cause physical injury to a person; or
- 15 2. Cause damage to property; or
- 16 3. Engage in other conduct constituting a crime; or
- 17 4. Accuse some person of a crime or cause criminal charges to be  
18 instituted against [him or her] such person; or
- 19 5. Expose a secret or publicize an asserted fact, whether true or  
20 false, tending to subject some person to hatred, contempt or ridicule;  
21 or
- 22 6. Cause a strike, boycott or other collective labor group action  
23 injurious to some person's business; except that such a threat shall not  
24 be deemed coercive when the act or omission compelled is for the benefit  
25 of the group in whose interest the actor purports to act; or
- 26 7. Testify or provide information or withhold testimony or information  
27 with respect to another's legal claim or defense; or

1 8. Use or abuse [his or her] their position as a public servant by  
2 performing some act within or related to [his or her] their official  
3 duties, or by failing or refusing to perform an official duty, in such  
4 manner as to affect some person adversely; or

5 9. Perform any other act which would not in itself materially benefit  
6 the actor but which is calculated to harm another person materially with  
7 respect to [his or her] their health, safety, business, calling, career,  
8 financial condition, reputation or personal relationships.

9 10. Report [his or her] the person's immigration status or suspected  
10 immigration status.

11 Coercion in the third degree is a class A misdemeanor.

12 § 5. Section 190.25 of the penal law, the section heading, opening  
13 paragraph and closing paragraph as amended by chapter 27 of the laws of  
14 1980, subdivisions 3 and 4 as amended and subdivision 5 as added by  
15 chapter 739 of the laws of 2021, is amended to read as follows:

16 § 190.25 Criminal impersonation in the second degree.

17 A person is guilty of criminal impersonation in the second degree when  
18 [he] the person:

19 1. Impersonates another and does an act in such assumed character with  
20 intent to obtain a benefit or to injure or defraud another; or

21 2. Pretends to be a representative of some person or organization and  
22 does an act in such pretended capacity with intent to obtain a benefit  
23 or to injure or defraud another; or

24 3. (a) Pretends to be a public servant, or wears or displays without  
25 authority any uniform, badge, insignia or facsimile thereof by which  
26 such public servant is lawfully distinguished, or falsely expresses by  
27 [his] words or actions that [he] such person is a public servant or is  
28 acting with approval or authority of a public agency or department; and

1 (b) so acts with intent to induce another to submit to such pretended  
2 official authority, to solicit funds or to otherwise cause another to  
3 act in reliance upon that pretense; or

4 4. Impersonates another by communication by internet website or elec-  
5 tronic means with intent to obtain a benefit or injure or defraud anothe-  
6 er, or by such communication pretends to be a public servant in order to  
7 induce another to submit to such authority or act in reliance on such  
8 pretense; or

9 5. Impersonates another person, without such other person's permis-  
10 sion, by using the other person's electronic signature with intent to  
11 obtain a benefit or injure or defraud the other person or another  
12 person. For the purposes of this subdivision, electronic signature shall  
13 have the same meaning as set forth in subdivision three of section three  
14 hundred two of the state technology law.

15 As used in this section, "impersonate" and "pretend" shall include,  
16 but not be limited to, instances involving the use of digitization.

17 Criminal impersonation in the second degree is a class A misdemeanor.

18 § 6. Section 190.26 of the penal law, as amended by chapter 2 of the  
19 laws of 1998, subdivision 1 as amended by chapter 434 of the laws of  
20 2008, is amended to read as follows:

21 § 190.26 Criminal impersonation in the first degree.

22 A person is guilty of criminal impersonation in the first degree when  
23 [he] the person:

24 1. Pretends to be a police officer or a federal law enforcement offi-  
25 cer as enumerated in section 2.15 of the criminal procedure law, or  
26 wears or displays without authority, any uniform, badge or other insig-  
27 nia or facsimile thereof, by which such police officer or federal law  
28 enforcement officer is lawfully distinguished or expresses by [his or

1 her] words or actions that [he or she] such person is acting with the  
2 approval or authority of any police department or acting as a federal  
3 law enforcement officer with the approval of any agency that employs  
4 federal law enforcement officers as enumerated in section 2.15 of the  
5 criminal procedure law; and

6 2. So acts with intent to induce another to submit to such pretended  
7 official authority or otherwise to act in reliance upon said pretense  
8 and in the course of such pretense commits or attempts to commit a felo-  
9 ny; or

10 3. Pretending to be a duly licensed physician or other person author-  
11 ized to issue a prescription for any drug or any instrument or device  
12 used in the taking or administering of drugs for which a prescription is  
13 required by law, communicates to a pharmacist an oral prescription which  
14 is required to be reduced to writing pursuant to section thirty-three  
15 hundred thirty-two of the public health law.

16 As used in this section, "pretend" shall include, but not be limited  
17 to, instances involving the use of digitization.

18 Criminal impersonation in the first degree is a class E felony.

19 § 7. The opening paragraph of section 190.78 of the penal law, as  
20 added by chapter 619 of the laws of 2002, is amended to read as follows:

21 A person is guilty of identity theft in the third degree when [he or  
22 she] such person knowingly and with intent to defraud assumes the iden-  
23 tity of another person, including with the use of digitization, by  
24 presenting [himself or herself] themselves as that other person, or by  
25 acting as that other person or by using personal identifying information  
26 of that other person, and thereby:

27 § 8. The opening paragraph of section 190.79 of the penal law, as  
28 added by chapter 619 of the laws of 2002, is amended to read as follows:

1 A person is guilty of [identify] identity theft in the second degree  
2 when [he or she] such person knowingly and with intent to defraud  
3 assumes the identity of another person, including with the use of digi-  
4 tization, by presenting [himself or herself] themselves as that other  
5 person, or by acting as that other person or by using personal identify-  
6 ing information of that other person, and thereby:

7 § 9. The opening paragraph of section 190.80 of the penal law, as  
8 added by chapter 619 of the laws of 2002, is amended to read as follows:

9 A person is guilty of identity theft in the first degree when [he or  
10 she] such person knowingly and with intent to defraud assumes the iden-  
11 tity of another person, including with the use of digitization, by  
12 presenting [himself or herself] themselves as that other person, or by  
13 acting as that other person or by using personal identifying information  
14 of that other person, and thereby:

15 § 10. The opening paragraph of section 190.80-a of the penal law, as  
16 added by chapter 226 of the laws of 2008, is amended to read as follows:

17 A person is guilty of aggravated identity theft when [he or she] such  
18 person knowingly and with intent to defraud assumes the identity of  
19 another person, including with the use of digitization, by presenting  
20 [himself or herself] themselves as that other person, or by acting as that  
21 other person or by using personal identifying information of that other  
22 person, and knows that such person is a member of the armed forces, and  
23 knows that such member is presently deployed outside of the continental  
24 United States and:

25 § 11. The penal law is amended by adding a new section 245.20 to read  
26 as follows:

27 § 245.20 Unlawful dissemination or publication of a fabricated photo-  
28 graphic, videographic, or audio record.

1 1. A person is guilty of unlawful dissemination or publication of a  
2 fabricated photographic, videographic, or audio record when, with intent  
3 to cause harm to the liberty or emotional, social, financial or physical  
4 welfare of an identifiable person or persons, the actor intentionally  
5 creates or causes to be created a fabricated record of such person or  
6 persons and disseminates or publishes such record of such person or  
7 persons without such person or persons' consent.

8 2. For purposes of this section:

9 (a) "Identifiable" shall mean the ability to discern an individual's  
10 identity either through the fabricated record itself or from information  
11 displayed in connection with the fabricated record;

12 (b) "Fabricated photographic, videographic, or audio record" or  
13 "fabricated record" shall mean a still image, video or audio record  
14 that:

15 (i) exhibits a high level of authenticity or convincing appearance  
16 that is visually or audibly indistinguishable from reality;

17 (ii) is either manipulated or entirely artificial, including but not  
18 limited to, manipulation through digitization; and

19 (iii) depicts a scenario that did not actually occur or that has been  
20 altered in a significant way from how it actually occurred; and

21 (c) "Disseminate" and "publish" shall have the same meanings as  
22 defined in section 250.40 of this title.

23 3. This section shall not apply to the following:

24 (a) Dissemination or publication of a fabricated record by a person  
25 who did not create the fabricated record or cause the fabricated record  
26 to be created, whether or not such person is aware of the authenticity  
27 of the record;

1 (b) Dissemination or publication of a fabricated record that was  
2 created during the lawful and common practices of law enforcement, legal  
3 proceedings or medical treatment where the record is not disseminated or  
4 published with the intent to misrepresent its authenticity;

5 (c) Dissemination or publication of a fabricated record that was  
6 created for the purpose of political or social commentary, parody,  
7 satire, or artistic expression that is not disseminated or published  
8 with the intent to misrepresent its authenticity;

9 (d) Dissemination or publication of a fabricated record that was  
10 created for the purpose of news reporting where the record is not  
11 disseminated or published with the intent to misrepresent its authentic-  
12 ity;

13 (e) Dissemination or publication of a fabricated record that was  
14 created where the person reasonably believes that the dissemination or  
15 publication of the record is necessary to protect themselves from seri-  
16 ous bodily injury or death;

17 (f) Dissemination or publication of a fabricated record that was  
18 created for the purpose of historical reenactment or preservation,  
19 digital restoration or preservation of cultural heritage where the  
20 record is not disseminated or published with the intent to misrepresent  
21 its authenticity;

22 (g) Dissemination or publication of a fabricated record that was  
23 created for the purpose of training or education, provided however that  
24 such training or education shall not include the training or education  
25 of a person or persons to engage in unlawful activities;

26 (h) Dissemination or publication of a fabricated record that was  
27 created for the purpose of memorializing a deceased person;

1 (i) Dissemination or publication of a fabricated record that was  
2 created for the purpose of lawful scientific, academic, or technological  
3 research or development where the record is not disseminated or  
4 published with the intent to misrepresent its authenticity; and

5 (j) Initial dissemination or publication of a fabricated record by the  
6 platform or service, provided that the fabricated record was not created  
7 by an individual who is directly affiliated with the platform or  
8 service.

9 4. Nothing in this section shall be construed to limit, or to enlarge,  
10 the protections that 47 U.S.C. § 230 confers on an interactive computer  
11 service for content provided by another information content provider, as  
12 such terms are defined in 47 U.S.C. § 230.

13 Unlawful dissemination or publication of a fabricated photographic,  
14 videographic, or audio record is a class A misdemeanor.

15 § 12. Section 263.10 of the penal law, as amended by chapter 1 of the  
16 laws of 2000, is amended to read as follows:

17 § 263.10 Promoting an obscene sexual performance by a child.

18 A person is guilty of promoting an obscene sexual performance by a  
19 child when, knowing the character and content thereof, [he] such person  
20 produces, directs or promotes any obscene performance which includes  
21 sexual conduct by a child less than seventeen years of age, including a  
22 performance created or altered by digitization.

23 Promoting an obscene sexual performance by a child is a class D felo-  
24 ny.

25 § 13. Section 263.11 of the penal law, as amended by chapter 456 of  
26 the laws of 2012, is amended to read as follows:

27 § 263.11 Possessing an obscene sexual performance by a child.

1 A person is guilty of possessing an obscene sexual performance by a  
2 child when, knowing the character and content thereof, [he] such person  
3 knowingly has in [his] such person's possession or control, or knowingly  
4 accesses with intent to view, any obscene performance which includes  
5 sexual conduct by a child less than sixteen years of age, including a  
6 performance created or altered by digitization.

7 Possessing an obscene sexual performance by a child is a class E felo-  
8 ny.

9 § 14. Section 263.15 of the penal law, as amended by chapter 1 of the  
10 laws of 2000, is amended to read as follows:

11 § 263.15 Promoting a sexual performance by a child.

12 A person is guilty of promoting a sexual performance by a child when,  
13 knowing the character and content thereof, [he] such person produces,  
14 directs or promotes any performance which includes sexual conduct by a  
15 child less than seventeen years of age, including a performance created  
16 or altered by digitization.

17 Promoting a sexual performance by a child is a class D felony.

18 § 15. Section 263.16 of the penal law, as amended by chapter 456 of  
19 the laws of 2012, is amended to read as follows:

20 § 263.16 Possessing a sexual performance by a child.

21 A person is guilty of possessing a sexual performance by a child when,  
22 knowing the character and content thereof, [he] such person knowingly  
23 has in [his] such person's possession or control, or knowingly accesses  
24 with intent to view, any performance which includes sexual conduct by a  
25 child less than sixteen years of age, including a performance created or  
26 altered by digitization.

27 Possessing a sexual performance by a child is a class E felony.

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

3 SUBPART C

4 Section 1. Section 14-106 of the election law is amended by adding a  
5 new subdivision 5 to read as follows:

6 5. (a) For purposes of this subdivision:

7 (i) "Digitization" means use of software, machine learning, artificial  
8 intelligence, or any other computer-generated or technological means,  
9 including adapting, modifying, manipulating, or altering a realistic  
10 depiction.

11 (ii) "Deceptive media" means any video recording, motion picture,  
12 film, audio recording, electronic image, photograph, text, or any tech-  
13 nological representation of speech or conduct fully or partially created  
14 or modified through digitization that:

15 (1) exhibits a high level of authenticity or convincing appearance  
16 that is visually or audibly indistinguishable from reality; and

17 (2) depicts a scenario that did not actually occur or that has been  
18 altered in a significant way from how they actually occurred.

19 (b) (i) A person, firm, association, corporation, campaign, committee,  
20 or organization that with the intent to unduly influence the outcome of  
21 an election or deceive a voter, knowingly distributes or publishes with-  
22 in sixty days of an election any political communication that was  
23 produced by or includes digitized deceptive media shall be required to  
24 disclose the use of such digitization.

25 (ii) (1) For visual media the disclosure shall be printed or typed in  
26 an appropriate legible font size consistent with other text appearing in

1 the visual media and in the same language used on the communication to  
2 read as follows: "this political communication was created with the  
3 assistance of digitization".

4 (2) For communication that is auditory, such as radio or automated  
5 telephone calls, clearly speaking the statement at the beginning of the  
6 audio in the same language used in the communication satisfies the  
7 requirements of clause one of this subparagraph.

8 (iii) This paragraph shall not apply to the following:

9 (1) deceptive media that constitutes satire or parody;

10 (2) deceptive media created for the purposes of news reporting; or

11 (3) initial dissemination by a platform or service including, but not  
12 limited to, a website, regularly published newspaper, or magazine.

13 (c)(i) A registered voter may seek injunctive or other equitable  
14 relief prohibiting the distribution, publication, or broadcasting of any  
15 deceptive media in violation of this subdivision. An action under this  
16 paragraph shall be initiated by filing an application for order to show  
17 cause in the supreme court where the voter resides.

18 (ii) A candidate whose voice or likeness appears in deceptive media in  
19 violation of this subdivision may seek injunctive relief or other equi-  
20 table relief prohibiting the distribution, publication or broadcasting  
21 of any deceptive media in violation of this subdivision. An action under  
22 this paragraph shall be initiated by filing an application for an order  
23 to show cause in the supreme court where the deceptive media at issue  
24 could deceive and influence electors in an upcoming election.

25 (iii) This paragraph shall not be construed to limit or preclude a  
26 plaintiff from pursuing or recovering any other available remedy.

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

1 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
2 sion, section, subpart or part of this act shall be adjudged by any  
3 court of competent jurisdiction to be invalid, such judgment shall not  
4 affect, impair, or invalidate the remainder thereof, but shall be  
5 confined in its operation to the clause, sentence, paragraph, subdivi-  
6 sion, section, subpart or part thereof directly involved in the contro-  
7 versy in which such judgment shall have been rendered. It is hereby  
8 declared to be the intent of the legislature that this act would have  
9 been enacted even if such invalid provisions had not been included here-  
10 in.

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

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the insurance law, in relation to rates for  
livery insurance (Part \_\_);

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

1 PART \_\_

2 Section 1. Section 2328 of the insurance law, as amended by chapter  
3 182 of the laws of 2023, is amended to read as follows:

4 § 2328. Certain motor vehicle insurance rates; prior approval. [For  
5 the periods February first, nineteen hundred seventy-four through August  
6 second, two thousand one, and the effective date of the  
7 property/casualty insurance availability act through June thirtieth, two  
8 thousand twenty-six, no] No changes in rates, rating plans, rating rules  
9 and rate manuals applicable to motor vehicle insurance, including  
10 no-fault coverages under article fifty-one of this chapter, shall be  
11 made effective until approved by the superintendent, notwithstanding any  
12 inconsistent provisions of this article[; provided, however, that chang-  
13 es in such rates, rating plans, rating rules and rate manuals may be  
14 made effective without such approval if the rates that result from such  
15 changes are no higher than the insurer's rates last approved by the  
16 superintendent]. This section shall apply only to policies covering  
17 losses or liabilities arising out of ownership of a motor vehicle used  
18 principally for the transportation of persons for hire, including a bus

1 or a school bus as defined in sections one hundred four and one hundred  
2 forty-two of the vehicle and traffic law.  
3 § 2. This act shall take effect immediately.