

OPINIONS OF THE ATTORNEY GENERAL

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INFORMAL OPINIONS

No. 2006-1

Election Law, §§8-400(1), 15-120; Education Law, §§1803, 2018-a, b, 2609, 2613; Town Law, §§83, 84-a(1), 175-b(1), 213-b(1); Village Law, §§2-200, 2-202(1)(a), 2-200(1)(f)(1), 2-204, 2-206, 2-208, 2-210, 2-212, 2-212(1)(c), 2-214, 2-216, 2-220, 2-220(3), (4), (5), 2-222, 2-222(1), 2-224.

Article 2 of the Village Law does not authorize absentee voting in an election to determine the question of incorporation. *January 23, 2006.*

No. 2006-2

N.Y. Const. Art. IX, §2(c)(10); Penal Law, §§260.20(2), 260.21(1); Alcoholic Beverage Control Law, §§65(1), 65(5), 65-a, 65-b(2)(a), (b), 65-c, 65-d, 79-c(1), 99-f, 100(2-a), (2-b), 106(17), 126(2); General Obligations Law, §§11-100(1), 398-c, 399-d; Municipal Home Rule Law, §10(1)(ii)(a)(12); Tax Law, §480-a; Public Health Law, Art. 13-E; ch. 799, 1992 N.Y. Laws 4202; Public Health Law, §§1399-aa — 1399-mm.

Enactment of “teen party host” local law is not preempted by state law. *February 15, 2006.*

FORMAL OPINIONS

No. 2006-F1

Banking Law, §§43(8), 367(1),(4), 369(1), 370, 372, 373, 374(1), (2), (3), Art. 9-A; 3 NYCRR, §400.12; L. 2004, ch. 432; L. 2003, ch. 635; L. 2002, ch. 29; L. 2001, ch. 591; L. 2000, ch. 582; L. 1994, ch. 546; L. 1944, ch. 593.

The exemption in Banking Law § 374(3) applicable to banks that were in the business of electronic check-cashing machines on the subdivision's effective date should be interpreted as exempting only electronic check-cashing facilities operated by such banks. *January 17, 2006.*

No. 2006-F2

General Business Law, §§349, 511(4), (6), 518; Insurance Law, §9101; Public Law, No. 94-222; 15 U.S.C., §1666f(a)(2).

Fees imposed for the payment of insurance premiums by credit card are prohibited by General Business Law, § 518. *January 25, 2006.*

