

4366--B

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sens. HASSELL-THOMPSON, DIAZ, KRUEGER, MONSERRATE, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, substituted by Assembly Bill No. 3664, substitution reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, the executive law, the alcoholic beverage control law, the agriculture and markets law, the banking law, the civil rights law, the education law, the town law, the general business law, the general municipal law, the insurance law, the public health law, the real property law, the tax law, and the vehicle and traffic law, in relation to certificates of relief from disabilities and certificates of good conduct

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 5 of subdivision a of section 265.20 of the penal
2 law, as amended by chapter 235 of the laws of 2007, is amended to read
3 as follows:
4 5. Possession of a rifle or shotgun by a person other than a person
5 who has been convicted of a class A-I felony or a violent felony
6 offense, as defined in subdivision one of section 70.02 of this chapter,
7 who has been convicted as specified in subdivision four of section
8 265.01 to whom A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certifi-
9 cate of good conduct has been issued pursuant to [section seven hundred
10 three-b] ARTICLE TWENTY-THREE of the correction law.

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

LBD04436-05-0

1 S 2. Section 130 of the executive law, as amended by chapter 680 of
2 the laws of 1967 and the opening paragraph as amended by chapter 673 of
3 the laws of 2002, is amended to read as follows:

4 S 130. Appointment of notaries public. 1. The secretary of state may
5 appoint and commission as many notaries public for the state of New York
6 as in his or her judgment may be deemed best, whose jurisdiction shall
7 be co-extensive with the boundaries of the state. The appointment of a
8 notary public shall be for a term of four years. An application for an
9 appointment as notary public shall be in form and set forth such matters
10 as the secretary of state shall prescribe. Every person appointed as
11 notary public must, at the time of his or her appointment, be a citizen
12 of the United States and either a resident of the state of New York or
13 have an office or place of business in New York state. A notary public
14 who is a resident of the state and who moves out of the state but still
15 maintains a place of business or an office in New York state does not
16 vacate his or her office as a notary public. A notary public who is a
17 nonresident and who ceases to have an office or place of business in
18 this state, vacates his or her office as a notary public. A notary
19 public who is a resident of New York state and moves out of the state
20 and who does not retain an office or place of business in this state
21 shall vacate his or her office as a notary public. A non-resident who
22 accepts the office of notary public in this state thereby appoints the
23 secretary of state as the person upon whom process can be served on his
24 or her behalf. Before issuing to any applicant a commission as notary
25 public, unless he or she be an attorney and counsellor at law duly
26 admitted to practice in this state or a court clerk of the unified court
27 system who has been appointed to such position after taking a civil
28 service promotional examination in the court clerk series of titles, the
29 secretary of state shall satisfy himself or herself that the applicant
30 is of good moral character, has the equivalent of a common school educa-
31 tion and is familiar with the duties and responsibilities of a notary
32 public; provided, however, that where a notary public applies, before
33 the expiration of his or her term, for reappointment with the county
34 clerk or where a person whose term as notary public shall have expired
35 applies within six months thereafter for reappointment as a notary
36 public with the county clerk, such qualifying requirements may be waived
37 by the secretary of state, and further, where an application for reap-
38 pointment is filed with the county clerk after the expiration of the
39 aforementioned renewal period by a person who failed or was unable to
40 re-apply by reason of his or her induction or enlistment in the armed
41 forces of the United States, such qualifying requirements may also be
42 waived by the secretary of state, provided such application for reap-
43 pointment is made within a period of one year after the military
44 discharge of the applicant under conditions other than dishonorable. In
45 any case, the appointment or reappointment of any applicant is in the
46 discretion of the secretary of state. The secretary of state may suspend
47 or remove from office, for misconduct, any notary public appointed by
48 him or her but no such removal shall be made unless the person who is
49 sought to be removed shall have been served with a copy of the charges
50 against him or her and have an opportunity of being heard. No person
51 shall be appointed as a notary public under this article who has been
52 convicted, in this state or any other state or territory, of a felony or
53 any of the following offenses, to wit:

54 (a) Illegally using, carrying or possessing a pistol or other danger-
55 ous weapon; (b) making or possessing burglar's instruments; (c) buying
56 or receiving or criminally possessing stolen property; (d) unlawful

1 entry of a building; (e) aiding escape from prison; (f) unlawfully
2 possessing or distributing habit forming narcotic drugs; (g) violating
3 sections two hundred seventy, two hundred seventy-a, two hundred seven-
4 ty-b, two hundred seventy-c, two hundred seventy-one, two hundred seven-
5 ty-five, two hundred seventy-six, five hundred fifty, five hundred
6 fifty-one, five hundred fifty-one-a and subdivisions six, eight, ten or
7 eleven of section seven hundred twenty-two of the former penal law as in
8 force and effect immediately prior to September first, nineteen hundred
9 sixty-seven, or violating sections 165.25, 165.30, subdivision one of
10 section 240.30, subdivision three of section 240.35 of the penal law, or
11 violating sections four hundred seventy-eight, four hundred seventy-
12 nine, four hundred eighty, four hundred eighty-one, four hundred eight-
13 y-four, four hundred eighty-nine and four hundred ninety-one of the
14 judiciary law; or (h) vagrancy or prostitution, and who has not subse-
15 quent to such conviction received an executive pardon therefor OR A
16 CERTIFICATE OF RELIEF FROM DISABILITIES or a certificate of good conduct
17 [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE
18 CORRECTION LAW to remove the disability under this section because of
19 such conviction.

20 2. A person regularly admitted to practice as an attorney and counsel-
21 lor in the courts of record of this state, whose office for the practice
22 of law is within the state, may be appointed a notary public and retain
23 his office as such notary public although he resides in or removes to an
24 adjoining state. For the purpose of this and the following sections of
25 this article such person shall be deemed a resident of the county where
26 he maintains such office.

27 S 3. Subdivision 3 of section 175 of the executive law, as amended by
28 chapter 43 of the laws of 2002, is amended to read as follows:

29 3. Upon a showing by the attorney general in an application for an
30 injunction that any person engaged in solicitation has been convicted in
31 this state or elsewhere of a felony or of a misdemeanor involving the
32 misappropriation, misapplication or misuse of the money or property of
33 another, and who has not, subsequent to such conviction, received execu-
34 tive pardon therefor or A CERTIFICATE OF RELIEF FROM DISABILITIES OR a
35 certificate of good conduct [from the parole board] PURSUANT TO ARTICLE
36 TWENTY-THREE OF THE CORRECTION LAW, the supreme court, after a hearing,
37 may enjoin such person from engaging in any solicitation.

38 S 4. The opening paragraph of subdivision 2 of section 102 of the
39 alcoholic beverage control law, as amended by chapter 340 of the laws of
40 1972, is amended to read as follows:

41 No person holding any license hereunder, other than a license to sell
42 an alcoholic beverage at retail for off-premises consumption, shall
43 knowingly employ in connection with his business in any capacity whatso-
44 ever, any person, who has been convicted of a felony, or any of the
45 following offenses, who has not subsequent to such conviction received
46 an executive pardon therefor removing any civil disabilities incurred
47 thereby, A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certificate of
48 good conduct PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW, or
49 other relief from disabilities provided by law, or the written approval
50 of the state liquor authority permitting such employment, to wit:

51 S 5. Subdivision 4 of section 96-z-3 of the agriculture and markets
52 law, as added by chapter 391 of the laws of 1968, is amended to read as
53 follows:

54 (4) applicant, an officer, director, partner, or holder of ten per
55 centum or more of the voting stock of an applicant has been convicted of
56 a felony by a court of the United States or any state or territory ther-

eof, without subsequent pardon by the governor or other appropriate authority of the state or jurisdiction in which such conviction occurred, or the receipt of [either] A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certificate of good conduct [from the board of parole] pursuant to [the executive law] ARTICLE TWENTY-THREE OF THE CORRECTION LAW,

S 6. Paragraph (d) of subdivision 4 of section 129 of the agriculture and markets law, as added by chapter 816 of the laws of 1974, is amended to read as follows:

(d) The applicant or registrant, or an officer, director, partner or holder of ten per centum or more of the voting stock of the applicant or registrant, has been convicted of a felony by a court of the United States or any state or territory thereof, without subsequent pardon by the governor or other appropriate authority of the state or jurisdiction in which such conviction occurred, or receipt of a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [from the board of parole] pursuant to ARTICLE TWENTY-THREE OF the correction law;

S 7. Paragraph (b) of subdivision 6 of section 369 of the banking law, as amended by chapter 164 of the laws of 2003, is amended to read as follows:

(b) is associating or consorting with any person who has, or persons who have, been convicted of a crime or crimes in any jurisdiction or jurisdictions; provided, however, that the superintendent shall not issue such a license if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant, has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws thereof. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to a charge thereof before a court or magistrate, or shall have been found guilty thereof by the decision or judgment of a court or magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such plea of guilty, or such decision, judgment or verdict, shall have been set aside, reversed or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the president of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive law] ARTICLE TWENTY-THREE OF THE CORRECTION LAW to remove the disability under this article because of such conviction. The term "substantial stockholder," as used in this subdivision, shall be deemed to refer to a person owning or controlling ten per centum or more of the total outstanding stock of the corporation in which such person is a stockholder. In making a determination pursuant to this subdivision, the superintendent shall require fingerprinting of the applicant. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check.

S 8. Subdivision 4 of section 79-a of the civil rights law, as amended by chapter 687 of the laws of 1973, is amended to read as follows:

1 4. This section shall not apply to a person sentenced to imprisonment
2 for an indeterminate term, having a minimum of one day and a maximum of
3 his natural life.

4 Nothing in this section shall be deemed to preclude the issuance of a
5 CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct
6 [by the board of parole] pursuant to ARTICLE TWENTY-THREE OF THE
7 CORRECTION law to a person who previously has been sentenced to impri-
8 sonment for life.

9 S 9. Paragraph b of subdivision 5 of section 2018-a of the education
10 law, as amended by chapter 506 of the laws of 1991, is amended to read
11 as follows:

12 b. On the reverse side of such envelope shall be printed the following
13 statement:

14 STATEMENT OF ABSENTEE VOTER

15 I do declare that I am a citizen of the United States, and will be at
16 least eighteen years of age, on the date of the school district
17 election; that I will have been a resident of this state and of the
18 school district and school election district, if any, shown on the
19 reverse side of this envelope for thirty days next preceding the said
20 election and duly registered in the school district and school election
21 district, if any, shown on the reverse side of this envelope and that I
22 am or on such date will be, a qualified voter of said school district;
23 that I will be unable to appear personally on the day of said school
24 district election at the polling place of the said district in which I
25 am or will be a qualified voter because of the reason stated on my
26 application heretofore submitted; that I have not qualified, or do I
27 intend to vote, elsewhere than as set forth on the reverse side of this
28 envelope; that I have not received or offered, do not expect to receive,
29 have not paid, offered or promised to pay, contributed, offered or prom-
30 ised to contribute to another to be paid or used, any money or other
31 valuable thing, as a compensation or reward for the giving or withhold-
32 ing of a vote at this school district election, and have not made any
33 promise to influence the giving or withholding of any such votes; that I
34 have not made or become directly or indirectly interested in any bet or
35 wager depending upon the result of this school district election; and
36 that I have not been convicted of bribery or any infamous crime, or, if
37 so convicted, that I have been pardoned or restored to all the rights of
38 a citizen, without restriction as to the right of suffrage, or received
39 a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good
40 conduct [granted by the board of parole] pursuant to [the provisions of
41 the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my
42 disability to register and vote.

43 I hereby declare that the foregoing is a true statement to the best of
44 my knowledge and belief, and I understand that if I make any material
45 false statement in the foregoing statement of absentee voter, I shall be
46 guilty of a misdemeanor.

47 Date.....Signature of Voter

48 S 10. Paragraph b of subdivision 6 of section 2018-b of the education
49 law, as amended by chapter 46 of the laws of 1992, is amended to read as
50 follows:

51 b. On the reverse side of such envelope shall be printed the following
52 statement:

1 STATEMENT OF ABSENTEE VOTER

2 I do declare that I am a citizen of the United States, and will be at
 3 least eighteen years of age on the date of the school district election;
 4 that I will have been a resident of this state and of the school
 5 district and school election district, if any, shown on the reverse side
 6 of this envelope for thirty days next preceding the said election and
 7 that I am or on such date will be, a qualified voter of said school
 8 district; that I will be unable to appear personally on the day of said
 9 school district election at the polling place of the said district in
 10 which I am or will be a qualified voter because of the reason stated on
 11 my application heretofore submitted; that I have not qualified, or do I
 12 intend to vote, elsewhere than as set forth on the reverse side of this
 13 envelope; that I have not received or offered, do not expect to receive,
 14 have not paid, offered or promised to pay, contributed, offered or prom-
 15 ised to contribute to another to be paid or used, any money or other
 16 valuable thing, as a compensation or reward for the giving or withhold-
 17 ing of a vote at this school district election, and have not made any
 18 promise to influence the giving or withholding of any such votes; that I
 19 have not made or become directly or indirectly interested in any bet or
 20 wager depending upon the result of this school district election; and
 21 that I have not been convicted of bribery [of] OR any infamous crime,
 22 or, if so convicted, that I have been pardoned or restored to all the
 23 rights of a citizen, without restriction as to the right of suffrage, or
 24 have received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate
 25 of good conduct [granted by the board of parole] pursuant to [the
 26 provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law
 27 removing my disability to vote.

28 I hereby declare that the foregoing is a true statement to the best of
 29 my knowledge and belief, and I understand that if I make any material
 30 false statement in the foregoing statement of absentee voter, I shall be
 31 guilty of a misdemeanor.

32 Date.....Signature of Voter

33 S 11. Paragraph b of subdivision 5 of section 84-a of the town law, as
 34 amended by chapter 281 of the laws of 1998, is amended to read as
 35 follows:

36 b. On the reverse side of such envelope shall be printed the following
 37 statement:

38 STATEMENT OF ABSENTEE VOTER

39 I do declare that I will have been a citizen of the United States for
 40 thirty days, and will be at least eighteen years of age, on the date of
 41 the special town election; that I will have been a resident of this
 42 state and of the town shown on the reverse side of this envelope for
 43 thirty days next preceding the said election; that I am or on such date
 44 will be, a registered voter of said town; that I will be unable to
 45 appear personally on the day of said special town election at the poll-
 46 ing place of the election district in which I am or will be a qualified
 47 voter because of the reason stated on my application heretofore submit-
 48 ted; that I have not qualified, or do I intend to vote, elsewhere than
 49 as set forth on the reverse side of this envelope; that I have not
 50 received or offered, do not expect to receive, have not paid, offered or
 51 promised to pay, contributed, offered or promised to contribute to
 52 another to be paid or used, any money or other valuable thing, as a

1 compensation or reward for the giving or withholding of a vote at this
2 special town election, and have not made any promise to influence the
3 giving or withholding of any such votes; that I have not made or become
4 directly or indirectly interested in any bet or wager depending upon the
5 result of this special town election; and that I have not been convicted
6 of bribery or any infamous crime, or, if so convicted, that I have been
7 pardoned or restored to all the rights of a citizen, without restriction
8 as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM
9 DISABILITIES OR A certificate of good conduct [granted by the board of
10 parole] pursuant to [the provisions of the executive] ARTICLE
11 TWENTY-THREE OF THE CORRECTION law removing my disability to register
12 and vote.

13 I hereby declare that the foregoing is a true statement to the best of
14 my knowledge and belief, and I understand that if I make any material
15 false statement in the foregoing statement of absentee voter, I shall be
16 guilty of a misdemeanor.

17 Date..... Signature of Voter.....

18 S 12. Paragraph b of subdivision 5 of section 175-b of the town law,
19 as amended by chapter 401 of the laws of 1996, is amended to read as
20 follows:

21 b. On the reverse side of such envelope shall be printed the follow-
22 ing statement:

23 STATEMENT OF ABSENTEE VOTER

24 I do declare that I will have been a citizen of the United States for
25 thirty days, and will be at least eighteen years of age, on the date of
26 the district election; that I will have been a resident of this state
27 and of the district if any, shown on the reverse side of this envelope
28 for thirty days next preceding the said election and that I am or on
29 such date will be, a registered voter of said district; that I will be
30 unable to appear personally on the day of said district election at the
31 polling place of the said district in which I am or will be a qualified
32 voter because of the reason stated on my application heretofore submit-
33 ted; that I have not qualified, or do I intend to vote, elsewhere than
34 as set forth on the reverse side of this envelope; that I have not
35 received or offered, do not expect to receive, have not paid, offered or
36 promised to pay, contributed, offered or promised to contribute to
37 another to be paid or used, any money or other valuable thing, as a
38 compensation or reward for the giving or withholding of a vote at this
39 district election, and have not made any promise to influence the giving
40 or withholding of any such votes; that I have not made or become direct-
41 ly or indirectly interested in any bet or wager depending upon the
42 result of this district election; and that I have not been convicted of
43 bribery or any infamous crime, or, if so convicted, that I have been
44 pardoned or restored to all the rights of a citizen, without restriction
45 as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM
46 DISABILITIES OR A certificate of good conduct [granted by the board of
47 parole] pursuant to [the provisions of the executive] ARTICLE
48 TWENTY-THREE OF THE CORRECTION law removing my disability to register
49 and vote.

50 I hereby declare that the foregoing is a true statement to the best of
51 my knowledge and belief, and I understand that if I make any material
52 false statement in the foregoing statement of absentee voter, I shall be
53 guilty of a misdemeanor.

54 Date.....Signature of Voter.....

1 S 13. Paragraph b of subdivision 5 of section 213-b of the town law,
2 as added by chapter 400 of the laws of 1985, is amended to read as
3 follows:

4 b. On the reverse side of such envelope shall be printed the follow-
5 ing statement:

6 STATEMENT OF ABSENTEE VOTER

7 I do declare that I will have been a citizen of the United States for
8 thirty days, and will be at least eighteen years of age, on the date of
9 the district election; that I will have been a resident of this state
10 and of the district if any, shown on the reverse side of this envelope
11 for thirty days next preceding the said election and that I am or on
12 such date will be, a registered voter of said district; that I will be
13 unable to appear personally on the day of said district election at the
14 polling place of the said district in which I am or will be a qualified
15 voter because of the reason stated on my application heretofore submit-
16 ted; that I have not qualified, or do I intend to vote, elsewhere than
17 as set forth on the reverse side of this envelope; that I have not
18 received or offered, do not expect to receive, have not paid, offered or
19 promised to pay, contributed, offered or promised to contribute to
20 another to be paid or used, any money or other valuable thing, as a
21 compensation or reward for the giving or withholding of a vote at this
22 district election, and have not made any promise to influence the giving
23 or withholding of any such votes; that I have not made or become direct-
24 ly or indirectly interested in any bet or wager depending upon the
25 result of this district election; and that I have not been convicted of
26 bribery or any infamous crime, or, if so convicted, that I have been
27 pardoned or restored to all the rights of a citizen, without restriction
28 as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM
29 DISABILITIES OR A certificate of good conduct [granted by the board of
30 parole] pursuant to [the provisions of the executive] ARTICLE
31 TWENTY-THREE OF THE CORRECTION law removing my disability to register
32 and vote.

33 I hereby declare that the foregoing is a true statement to the best of
34 my knowledge and belief, and I understand that if I make any material
35 false statement in the foregoing statement of absentee voter, I shall be
36 guilty of a misdemeanor.

37 Date..... Signature of Voter

38 S 14. Paragraph (h) of subdivision 2 of section 74 of the general
39 business law, as amended by chapter 680 of the laws of 1967, is amended
40 to read as follows:

41 (h) violating section seven hundred forty-two, section seven hundred
42 forty-three, or section seven hundred forty-five of the said former
43 penal law, or violating any section contained in article two hundred
44 fifty of the penal law. Except as hereinafter in this subdivision
45 provided, no license shall be issued to any person whose license has
46 been previously revoked by the department of state or the authorities of
47 any other state or territory because of conviction of any of the
48 offenses specified in this section. The provisions of this subdivision
49 shall not prevent the issuance of a license to any person who, subse-
50 quent to his conviction, shall have received executive pardon therefor
51 removing this disability, or who has received a CERTIFICATE OF RELIEF
52 FROM DISABILITIES OR A certificate of good conduct [granted by the board
53 of parole] pursuant to [the provisions of the executive] ARTICLE TWEN-
54 TY-THREE OF THE CORRECTION law to remove the disability under this

1 section because of such conviction or previous license revocation occa-
2 sioned thereby.

3 S 15. Subdivision 1 of section 81 of the general business law, as
4 amended by chapter 562 of the laws of 2000, is amended to read as
5 follows:

6 1. The holder of any license certificate issued pursuant to this arti-
7 cle may employ to assist him in his work of private detective or inves-
8 tigator or bail enforcement agent as described in section seventy-one OF
9 THIS ARTICLE and in the conduct of such business as many persons as he
10 may deem necessary, and shall at all times during such employment be
11 legally responsible for the good conduct in the business of each and
12 every person so employed.

13 No holder of any unexpired license certificate issued pursuant to this
14 article shall knowingly employ in connection with his or its business in
15 any capacity whatsoever, any person who has been convicted of a felony
16 or any of the offenses specified in subdivision two of section seventy-
17 four of this [chapter] ARTICLE, and who has not subsequent to such
18 conviction received executive pardon therefor removing this disability,
19 or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate
20 of good conduct [granted by the board of parole] pursuant to [the
21 provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law
22 to remove the disability under this section because of such a
23 conviction, or any person whose private detective or investigator's
24 license or bail enforcement agent's license was revoked or application
25 for such license was denied by the department of state or by the author-
26 ities of any other state or territory because of conviction of any of
27 such offenses. Should the holder of an unexpired license certificate
28 falsely state or represent that a person is or has been in his employ,
29 such false statement or misrepresentation shall be sufficient cause for
30 the revocation of such license. Any person falsely stating or represent-
31 ing that he is or has been a detective or employed by a detective agency
32 or that he is or has been a bail enforcement agent or employed by a bail
33 enforcement agency shall be guilty of a misdemeanor.

34 S 16. Paragraph (a) of subdivision 1 of section 191 of the general
35 municipal law, as amended by chapter 574 of the laws of 1978, is amended
36 to read as follows:

37 (a) Issuance of licenses to conduct games of chance. If such clerk or
38 department shall determine that the applicant is duly qualified to be
39 licensed to conduct games of chance under this article; that the member
40 or members of the applicant designated in the application to manage
41 games of chance are bona fide active members of the applicant and are
42 persons of good moral character and have never been convicted of a
43 crime, or, if convicted, have received a pardon, a certificate of good
44 conduct or a certificate of relief from disabilities PURSUANT TO ARTICLE
45 TWENTY-THREE OF THE CORRECTION LAW; that such games are to be conducted
46 in accordance with the provisions of this article and in accordance with
47 the rules and regulations of the board and applicable local laws or
48 ordinances and that the proceeds thereof are to be disposed of as
49 provided by this article, and if such clerk or department is satisfied
50 that no commission, salary, compensation, reward or recompense whatever
51 will be paid or given to any person managing, operating or assisting
52 therein except as in this article otherwise provided; it shall issue a
53 license to the applicant for the conduct of games of chance upon payment
54 of a license fee of twenty-five dollars for each license period.

1 S 17. Paragraph (a) of subdivision 9 of section 476 of the general
2 municipal law, as amended by chapter 1057 of the laws of 1965, is
3 amended to read as follows:

4 (a) a person convicted of a crime who has not received a pardon or a
5 certificate of good conduct OR A CERTIFICATE OF RELIEF FROM DISABILITIES
6 PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW;

7 S 18. Paragraph (a) of subdivision 1 of section 481 of the general
8 municipal law, as amended by chapter 328 of the laws of 1994, is amended
9 to read as follows:

10 (a) Issuance of licenses to conduct bingo. If the governing body of
11 the municipality shall determine that the applicant is duly qualified to
12 be licensed to conduct bingo under this article; that the member or
13 members of the applicant designated in the application to conduct bingo
14 are bona fide active members of the applicant and are persons of good
15 moral character and have never been convicted of a crime or, if
16 convicted, have received a pardon or a certificate of good conduct OR A
17 CERTIFICATE OF RELIEF FROM DISABILITIES PURSUANT TO ARTICLE TWENTY-THREE
18 OF THE CORRECTION LAW; that such games are to be conducted in accordance
19 with the provisions of this article and in accordance with the rules and
20 regulations of the commission, and that the proceeds thereof are to be
21 disposed of as provided by this article, and if the governing body is
22 satisfied that no commission, salary, compensation, reward or recompense
23 whatever will be paid or given to any person holding, operating or
24 conducting or assisting in the holding, operation and conduct of any
25 such games except as in this article otherwise provided; and that no
26 prize will be offered and given in excess of the sum or value of one
27 thousand dollars in any single game and that the aggregate of all prizes
28 offered and given in all of such games conducted on a single occasion,
29 under said license shall not exceed the sum or value of three thousand
30 dollars, it shall issue a license to the applicant for the conduct of
31 bingo upon payment of a license fee of eighteen dollars and seventy-five
32 cents for each bingo occasion; provided, however, that the governing
33 body shall refuse to issue a license to an applicant seeking to conduct
34 bingo in premises of a licensed commercial lessor where it determines
35 that the premises presently owned or occupied by said applicant are in
36 every respect adequate and suitable for conducting bingo games.

37 S 19. Paragraph 4 of subsection (d) of section 2108 of the insurance
38 law is amended to read as follows:

39 (4) This subsection shall not prevent the employment of or the issu-
40 ance of a license to any person who, subsequent to his conviction, shall
41 have received executive pardon therefor removing this disability, or who
42 has received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate
43 of good conduct [granted by the board of parole] pursuant to [the
44 provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law
45 to remove the disability under this section because of such conviction
46 or previous license revocation occasioned thereby.

47 S 20. Paragraph 1 of subsection (c) of section 4413 of the insurance
48 law is amended to read as follows:

49 (1) No person who has been convicted by a court of the United States
50 or by a court of any state or territory thereof of a felony, or of any
51 crime or offense involving fraudulent or dishonest practices, shall
52 serve, be appointed, designated or employed as a trustee, administrator,
53 officer, agent or employee of any employee welfare fund (other than an
54 employee performing non-discretionary clerical or building maintenance
55 duties exclusively) during or for five years after such conviction or
56 the suspension of sentence therefor or from the date of his unrevoked

1 release from custody by parole, commutation or termination of sentence,
2 whichever event occurs later, unless prior to the expiration of said
3 five year period the conviction is finally reversed by a court of compe-
4 tent jurisdiction or he has been pardoned therefor by the governor or
5 other appropriate authority of the state or jurisdiction in which he was
6 convicted or he has received a certificate of relief from disabilities
7 OR A CERTIFICATE OF GOOD CONDUCT pursuant to the provisions of article
8 twenty-three of the correction law which specifically removes the disa-
9 bility herein provided.

10 S 21. Paragraph (a) of subdivision 5 of section 2806 of the public
11 health law, as amended by chapter 584 of the laws of 1983, is amended to
12 read as follows:

13 (a) Except as provided in paragraphs (b) and (d) of this subdivision,
14 anything contained in this section or in a certificate of relief from
15 disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article
16 twenty-three of the correction law to the contrary notwithstanding, a
17 hospital operating certificate of a hospital under control of a control-
18 ling person as defined in paragraph (a) of subdivision twelve of section
19 twenty-eight hundred one-a of this [chapter] ARTICLE, or under control
20 of any other entity, shall be revoked upon a finding by the department
21 that such controlling person or any individual, member of a partnership
22 or shareholder of a corporation to whom or to which an operating certif-
23 icate has been issued, has been convicted of a class A, B or C felony,
24 or a felony related in any way to any activity or program subject to the
25 regulations, supervision, or administration of the department or of the
26 [department of social services] OFFICE OF TEMPORARY AND DISABILITY
27 ASSISTANCE or in violation of the public officers law in a court of
28 competent jurisdiction in the state, or of a crime outside the state
29 which, if committed within the state, would have been a class A, B or C
30 felony or a felony related in any way to any activity or program subject
31 to the regulations, supervision, or administration of the department or
32 of the [department of social services] OFFICE OF TEMPORARY AND DISABILI-
33 TY ASSISTANCE or in violation of the public officers law.

34 S 22. Paragraph (c) of subdivision 2 of section 2897 of the public
35 health law, as added by chapter 569 of the laws of 1970, is amended to
36 read as follows:

37 (c) If a person convicted of a felony or crime deemed hereby to be a
38 felony is subsequently pardoned by the governor of the state where such
39 conviction was had, or by the president of the United States, or shall
40 receive a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of
41 good conduct [granted by the board of parole] pursuant to [the
42 provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law
43 for the purpose of removing the disability under this section because of
44 such conviction, the board may, in its discretion, on application of
45 such person, and on the submission to it of satisfactory evidence,
46 restore to such person the right to practice nursing home administration
47 in this state.

48 S 23. Section 3454 of the public health law is amended to read as
49 follows:

50 S 3454. Restoration of licenses after conviction of a felony. If a
51 person convicted of a felony or crime deemed to be a felony is subse-
52 quently pardoned by the governor of the state where such conviction was
53 had or by the president of the United States, or shall receive a CERTIF-
54 ICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct
55 [granted by the board of parole] pursuant to [the provisions of the
56 executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the

1 disability under this section because of such conviction, the commis-
2 sioner may, in his discretion, on application of such person, and on the
3 submission to him of satisfactory evidence, restore to such person the
4 right to practice in this state.

5 S 24. The first undesignated paragraph of section 440-a of the real
6 property law, as amended by chapter 430 of the laws of 2008, is amended
7 to read as follows:

8 No person, co-partnership, limited liability company or corporation
9 shall engage in or follow the business or occupation of, or hold himself
10 or itself out or act temporarily or otherwise as a real estate broker or
11 real estate salesman in this state without first procuring a license
12 therefor as provided in this article. No person shall be entitled to a
13 license as a real estate broker under this article, either as an indi-
14 vidual or as a member of a co-partnership, or as a member or manager of
15 a limited liability company or as an officer of a corporation, unless he
16 or she is twenty years of age or over, a citizen of the United States or
17 an alien lawfully admitted for permanent residence in the United States.
18 No person shall be entitled to a license as a real estate salesman under
19 this article unless he or she is over the age of eighteen years. No
20 person shall be entitled to a license as a real estate broker or real
21 estate salesman under this article who has been convicted in this state
22 or elsewhere of a felony, of a sex offense, as defined in subdivision
23 two of section one hundred sixty-eight-a of the correction law or any
24 offense committed outside of this state which would constitute a sex
25 offense, or a sexually violent offense, as defined in subdivision three
26 of section one hundred sixty-eight-a of the correction law or any
27 offense committed outside this state which would constitute a sexually
28 violent offense, and who has not subsequent to such conviction received
29 executive pardon therefor or a CERTIFICATE OF RELIEF FROM DISABILITIES
30 OR A certificate of good conduct [from the parole board] PURSUANT TO
31 ARTICLE TWENTY-THREE OF THE CORRECTION LAW, to remove the disability
32 under this section because of such conviction. No person shall be enti-
33 tled to a license as a real estate broker or real estate salesman under
34 this article who does not meet the requirements of section 3-503 of the
35 general obligations law.

36 S 25. Paragraph (c) of subdivision 8 of section 283 of the tax law, as
37 amended by chapter 276 of the laws of 1986, is amended to read as
38 follows:

39 (c) If a person convicted of a felony or crime deemed hereby to be a
40 felony is subsequently pardoned by the governor of the state where such
41 conviction was had, or by the president of the United States, or shall
42 receive a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of
43 good conduct [granted by the board of parole] pursuant to [the
44 provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law
45 for the purpose of removing the disability under this section because of
46 such conviction, the tax commission may, in its discretion, on applica-
47 tion of such person and compliance with subdivision two of this section,
48 and on the submission to it of satisfactory evidence of good moral char-
49 acter and suitability, again register such person as a distributor under
50 this article.

51 S 26. Paragraph (a) of subdivision 1 of section 509-c of the vehicle
52 and traffic law, as amended by chapter 360 of the laws of 1986, is
53 amended to read as follows:

54 (a) permanently, if that person has been convicted of or forfeited
55 bond or collateral which forfeiture order has not been vacated or the
56 subject of an order of remission upon a violation of section 130.30,

1 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
2 offense committed under a former section of the penal law which would
3 constitute a violation of the aforesaid sections of the penal law or any
4 offense committed outside of this state which would constitute a
5 violation of the aforesaid sections of the penal law, provided, however,
6 the provisions of this paragraph shall not apply to convictions, suspen-
7 sions or revocations or forfeitures of bonds for collateral upon any of
8 the charges listed in this paragraph for violations which occurred prior
9 to September first, nineteen hundred seventy-four committed by a person
10 employed as a bus driver on September first, nineteen hundred seventy-
11 four. However, such disqualification may be waived provided that five
12 years have expired since the applicant was discharged or released from a
13 sentence of imprisonment imposed pursuant to conviction of an offense
14 that requires disqualification under this paragraph and that the appli-
15 cant shall have been granted a certificate of relief from disabilities
16 [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
17 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law.

18 S 27. Paragraph (a) of subdivision 2 of section 509-c of the vehicle
19 and traffic law, as added by chapter 675 of the laws of 1985, is amended
20 to read as follows:

21 (a) permanently, if that person has been convicted of or forfeited
22 bond or collateral which forfeiture order has not been vacated or the
23 subject of an order of remission upon a violation committed prior to
24 September fifteenth, nineteen hundred eighty-five, of section 130.30,
25 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
26 offense committed under a former section of the penal law which would
27 constitute a violation of the aforesaid sections of the penal law or any
28 offense committed outside of this state which would constitute a
29 violation of the aforesaid sections of the penal law. However, such
30 disqualification may be waived provided that five years have expired
31 since the applicant was discharged or released from a sentence of impri-
32 sonment imposed pursuant to conviction of an offense that requires
33 disqualification under this paragraph and that the applicant shall have
34 been granted a certificate of relief from disabilities [as provided for
35 in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT
36 TO ARTICLE TWENTY-THREE of the correction law.

37 S 28. Subparagraphs (i), (ii) and (iii) of paragraph (a) and subpara-
38 graph (i) of paragraph (b) of subdivision 1 of section 509-cc of the
39 vehicle and traffic law, as added by chapter 675 of the laws of 1985,
40 are amended to read as follows:

41 (i) has been convicted of or forfeited bond or collateral which
42 forfeiture order has not been vacated or the subject of an order of
43 remission upon a violation committed prior to September fifteenth, nine-
44 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,
45 130.60, or 130.65 of the penal law, or an offense committed under a
46 former section of the penal law which would constitute a violation of
47 the aforesaid sections of the penal law or any offense committed outside
48 of this state which would constitute a violation of the aforesaid
49 sections of the penal law, provided, however, the provisions of this
50 subparagraph shall not apply to convictions, suspensions or revocations
51 or forfeitures of bonds for collateral upon any of the charges listed in
52 this subparagraph for violations which occurred prior to September
53 first, nineteen hundred seventy-four committed by a person employed as a
54 bus driver on September first, nineteen hundred seventy-four. However,
55 such disqualification may be waived provided that five years have
56 expired since the applicant was discharged or released from a sentence

1 of imprisonment imposed pursuant to conviction of an offense that
2 requires disqualification under this paragraph and that the applicant
3 shall have been granted a certificate of relief from disabilities [as
4 provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
5 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the
6 certificate is issued by a court for a conviction which occurred in this
7 state, it shall only be issued by the court having jurisdiction over
8 such conviction. Such certificate shall specifically indicate that the
9 authority granting such certificate has considered the bearing, if any,
10 the criminal offense or offenses for which the person was convicted will
11 have on the applicant's fitness or ability to operate a bus transporting
12 school children to the applicant's prospective employment, prior to
13 granting such a certificate; or

14 (ii) has been convicted of an offense listed in paragraph (a) of
15 subdivision four of this section that was committed on or after Septem-
16 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
17 tion may be waived by the commissioner provided that five years have
18 expired since the applicant was discharged or released from a sentence
19 of imprisonment imposed pursuant to conviction of an offense that
20 requires disqualification under this paragraph and that the applicant
21 shall have been granted a certificate of relief from disabilities [as
22 provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
23 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the
24 certificate is issued by a court for a conviction which occurred in this
25 state, it shall only be issued by the court having jurisdiction over
26 such conviction. Such certificate shall specifically indicate that the
27 authority granting such certificate has considered the bearing, if any,
28 the criminal offense or offenses for which the person was convicted will
29 have on the applicant's fitness or ability to operate a bus transporting
30 school children, prior to granting such a certificate; or

31 (iii) has been convicted of an offense listed in paragraph (b) of
32 subdivision four of this section that was committed on or after Septem-
33 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
34 tion shall be waived provided that five years have expired since the
35 applicant discharged or released from a sentence of imprisonment imposed
36 pursuant to conviction of an offense that requires disqualification
37 under this paragraph and that the applicant shall have been granted a
38 certificate of relief from disabilities [as provided for in section
39 seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE
40 TWENTY-THREE of the correction law. When the certificate is issued by a
41 court for a conviction which occurred in this state, it shall only be
42 issued by the court having jurisdiction over such conviction. Such
43 certificate shall specifically indicate that the authority granting such
44 certificate has considered the bearing, if any, the criminal offense or
45 offenses for which the person was convicted will have on the applicant's
46 fitness or ability to operate a bus transporting school children, prior
47 to granting such a certificate. Provided, however, that at the
48 discretion of the commissioner, the certificate of relief from disabili-
49 ties may remove disqualification at any time; or

50 (i) has been convicted within the preceding five years of an offense
51 listed in paragraph (c) of subdivision four of this section that was
52 committed on or after September fifteenth, nineteen hundred eighty-five.
53 However, such disqualification shall be waived provided that the appli-
54 cant has been granted a certificate of relief from disabilities [as
55 provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
56 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the

1 certificate is issued by a court for a conviction which occurred in this
2 state, it shall only be issued by the court having jurisdiction over
3 such conviction. Such certificate shall specifically indicate that the
4 authority granting such certificate has considered the bearing, if any,
5 the criminal offense or offenses for which the person was convicted will
6 have on the applicant's fitness or ability to operate a bus transporting
7 school children, prior to granting such a certificate;

8 S 29. Paragraphs (a) and (b) and subparagraph (i) of paragraph (c) of
9 subdivision 2 of section 509-cc of the vehicle and traffic law, para-
10 graph (a) and subparagraph (i) of paragraph (c) as added by chapter 675
11 of the laws of 1985 and paragraph (b) as amended by chapter 360 of the
12 laws of 1986, are amended to read as follows:

13 (a) permanently, if that person has been convicted of an offense list-
14 ed in paragraph (a) of subdivision four of this section. However, such
15 disqualification may be waived by the commissioner provided that five
16 years have expired since the applicant was discharged or released from a
17 sentence of imprisonment imposed pursuant to conviction of an offense
18 that requires disqualification under this paragraph and that the appli-
19 cant shall have been granted a certificate of relief from disabilities
20 [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
21 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the
22 certificate is issued by a court for a conviction which occurred in this
23 state, it shall only be issued by the court having jurisdiction over
24 such conviction. Such certificate shall specifically indicate that the
25 authority granting such certificate has considered the bearing, if any,
26 the criminal offense or offenses for which the person was convicted will
27 have on the applicant's fitness or ability to operate a bus transporting
28 school children to the applicant's prospective employment, prior to
29 granting such a certificate.

30 (b) permanently, if that person has been convicted of an offense list-
31 ed in paragraph (b) of subdivision four of this section. However, such
32 disqualification shall be waived provided that five years have expired
33 since the applicant was incarcerated pursuant to a sentence of imprison-
34 ment imposed on conviction of an offense that requires disqualification
35 under this paragraph and that the applicant shall have been granted a
36 certificate of relief from disabilities [as provided for in section
37 seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE
38 TWENTY-THREE of the correction law. When the certificate is issued by a
39 court for a conviction which occurred in this state, it shall only be
40 issued by the court having jurisdiction over such conviction. Such
41 certificate shall specifically indicate that the authority granting such
42 certificate has considered the bearing, if any, the criminal offense or
43 offenses for which the person was convicted will have on the applicant's
44 fitness or ability to operate a bus transporting school children, prior
45 to granting such a certificate. Provided, however, that at the
46 discretion of the commissioner the certificate of relief from disabili-
47 ties OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE
48 OF THE CORRECTION LAW may remove disqualification at any time.

49 (i) has been convicted within the preceding five years of an offense
50 listed in paragraph (c) of subdivision four of this section. However,
51 notwithstanding the provisions of subdivision three of section seven
52 hundred one of the correction law. Such disqualification shall be waived
53 provided that the applicant has been granted a certificate of relief
54 from disabilities [as provided for in section seven hundred one-g] OR A
55 CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the
56 correction law. When the certificate is issued by a court for a

conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate.

S 30. Subparagraph (iii) of paragraph d of subdivision 6 of section 510 of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

(iii) after such documentation, if required, is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law by the court in which such person was last penalized.

S 31. Subparagraph (iii) of paragraph (c) of subdivision 2 of section 510-a of the vehicle and traffic law, as amended by section 13 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(iii) after such documentation, if required, is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law by the court in which such person was last penalized.

S 32. Subdivision 5 of section 530 of the vehicle and traffic law, as amended by section 15 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(5) A restricted use license or privilege shall be valid for the operation of any motor vehicle, except a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck as defined in this chapter subject to the conditions set forth herein, which the holder would otherwise be entitled to operate had his drivers license or privilege not been suspended or revoked. Notwithstanding anything to the contrary in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law, a restricted use license shall not be valid for the operation of a commercial motor vehicle. A restricted use license shall not be valid for the operation of a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck where the holder thereof had his or her drivers license suspended or revoked and (i) such suspension or revocation is mandatory pursuant to the provisions of subdivision two or two-a of section five hundred ten of this title; or (ii) any such suspension is permissive for habitual or persistent violations of this chapter or any local law relating to traffic as set forth in paragraph d or i of subdivision three of section five hundred ten of this title; or (iii) any such suspension is permissive and has been imposed by a magistrate, justice or judge of any city, town or village, any supreme court justice, any county judge, or judge of a district court. Except for a commercial motor vehicle as defined in subdivision four of section five hundred one-a of this title, the restrictions on types of vehicles which may be operated with a restricted license contained in this subdivision shall not be applicable to a restricted license issued to a person whose license has been suspended pursuant to paragraph three of subdivision four-e of section five hundred ten of this [chapter] TITLE.

1 S 33. Item (ii) of clause (b) of subparagraph 12 of paragraph (b) of
2 subdivision 2 of section 1193 of the vehicle and traffic law, as added
3 by chapter 732 of the laws of 2006, is amended to read as follows:

4 (ii) that such person is granted a certificate of relief from disabil-
5 ities [as provided for in section seven hundred one of the correction
6 law by the court in which such person was last sentenced] OR A CERTIF-
7 ICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION
8 LAW.

9 Provided, however, that the commissioner may, on a case by case basis,
10 refuse to restore a license which otherwise would be restored pursuant
11 to this item, in the interest of the public safety and welfare.

12 S 34. Item (iii) of clause (e) of subparagraph 12 of paragraph (b) of
13 subdivision 2 of section 1193 of the vehicle and traffic law, as added
14 by chapter 732 of the laws of 2006, is amended to read as follows:

15 (iii) after such documentation is accepted, that such person is grant-
16 ed a certificate of relief from disabilities [as provided for in section
17 seven hundred one of the correction law by the court in which such
18 person was last sentenced] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO
19 ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

20 S 35. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193
21 of the vehicle and traffic law, as amended by chapter 173 of the laws of
22 1990, is amended to read as follows:

23 (1) Notwithstanding anything to the contrary contained in a certifi-
24 cate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT
25 issued pursuant to article twenty-three of the correction law, where a
26 suspension or revocation, other than a revocation required to be issued
27 by the commissioner, is mandatory pursuant to paragraph (a) or (b) of
28 this subdivision, the magistrate, justice or judge shall issue an order
29 suspending or revoking such license upon sentencing, and the license
30 holder shall surrender such license to the court. Except as hereinafter
31 provided, such suspension or revocation shall take effect immediately.

32 S 36. Item (iii) of clause a of subparagraph 3 of paragraph (e) of
33 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
34 by chapter 173 of the laws of 1990, is amended to read as follows:

35 (iii) after such documentation is accepted, that such person is grant-
36 ed a certificate of relief from disabilities [as provided for in section
37 seven hundred one of the correction law by the court in which such
38 person was last penalized pursuant to paragraph (d) of subdivision one
39 of this section] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE
40 TWENTY-THREE OF THE CORRECTION LAW.

41 S 37. Item (iii) of clause b of subparagraph 3 of paragraph (e) of
42 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
43 by section 17 of part E of chapter 60 of the laws of 2005, is amended to
44 read as follows:

45 (iii) after such documentation is accepted, that such person is grant-
46 ed a certificate of relief from disabilities [as provided for in section
47 seven hundred one of the correction law by the court in which such
48 person was last penalized pursuant to paragraph (d) of subdivision one
49 of this section] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE
50 TWENTY-THREE OF THE CORRECTION LAW.

51 S 38. Item (iii) of clause c of subparagraph 1 of paragraph (d) of
52 subdivision 2 of section 1194 of the vehicle and traffic law, as amended
53 by chapter 732 of the laws of 2006, is amended to read as follows:

54 (iii) after such documentation is accepted, that such person is grant-
55 ed a certificate of relief from disabilities [as provided for in section
56 seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE

1 TWENTY-THREE of the correction law by the court in which such person was
2 last penalized.

3 S 39. Paragraph (g) of subdivision 7 of section 1196 of the vehicle
4 and traffic law, as amended by section 19 of part E of chapter 60 of the
5 laws of 2005, is amended to read as follows:

6 (g) Notwithstanding anything to the contrary contained in a certif-
7 icate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT
8 issued pursuant to article twenty-three of the correction law, any
9 conditional license or privilege issued to a person convicted of a
10 violation of any subdivision of section eleven hundred ninety-two of
11 this article shall not be valid for the operation of any commercial
12 motor vehicle. In addition, no such conditional license or privilege
13 shall be valid for the operation of a taxicab as defined in this chap-
14 ter.

15 S 40. This act shall take effect immediately, provided, however, that
16 the amendments to subdivision 5 of section 530 of the vehicle and traf-
17 fic law made by section thirty-two of this act shall not affect the
18 expiration of such subdivision and shall be deemed to expire therewith.