

4366--B

2009-2010 Regular Sessions

I N   S E N A T E

April 22, 2009

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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.