

4815

2011-2012 Regular Sessions

I N   S E N A T E

April 27, 2011

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the state administrative procedure act and the executive law, in relation to electronic permit applications and electronic recordkeeping

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

1     Section 1. The state administrative procedure act is amended by adding  
2 a new section 402 to read as follows:  
3     S 402. ELECTRONIC FILING OF APPLICATIONS FOR CERTAIN BUSINESS PERMITS.  
4     1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A STATE AGENCY  
5 MAY, BY PROMULGATION OF REGULATIONS, PERMIT AN APPLICATION FOR A BUSI-  
6 NESS PERMIT OR OTHER LICENSE SUBJECT TO THE PROVISIONS OF THIS SECTION  
7 TO BE FILED WITH SUCH AGENCY, SUBSCRIBED AND AFFIRMED BY THE APPLICANT  
8 AS TRUE UNDER PENALTY OF PERJURY WHERE STATUTE OTHERWISE REQUIRES THAT  
9 SUCH SIGNATURE BE ACKNOWLEDGED, VERIFIED OR SWORN UNDER OATH.  
10     2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A STATE AGEN-  
11 CY MAY, BY PROMULGATION OF REGULATIONS, PERMIT ANY APPLICATION FOR A  
12 BUSINESS PERMIT OR OTHER LICENSE SUBJECT TO THE PROVISIONS OF THIS  
13 SECTION TO BE SUBMITTED TO SUCH AGENCY BY ELECTRONIC MEANS, PROVIDED  
14 THAT ANY SIGNATURE REQUIRED THEREON SHALL MEET THE REQUIREMENTS OF  
15 SUBDIVISION THREE OF SECTION THREE HUNDRED TWO OF THE STATE TECHNOLOGY  
16 LAW, AND THE USE OF ELECTRONIC RECORDS SHALL MEET THE REQUIREMENTS OF  
17 SUBDIVISION ONE OF SECTION THREE HUNDRED FIVE OF THE STATE TECHNOLOGY  
18 LAW.  
19     3. THIS SECTION SHALL APPLY TO APPLICATIONS FOR THE ISSUANCE, MODIFI-  
20 CATION OR RENEWAL OF ANY PERMIT, LICENSE, CERTIFICATE, APPROVAL, REGIS-  
21 TRATION, CHARTER, OR SIMILAR FORM OF PERMISSION OR AUTHORITY REQUIRED BY  
22 LAW, OR BY STATE AGENCY RULES HAVING THE FORCE AND EFFECT OF LAW, WHICH  
23 IS REQUIRED FOR A BUSINESS UNDERTAKING, PROJECT OR ACTIVITY FOR AN

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

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1 APPLICANT, BUT SHALL NOT INCLUDE BONDS OR OTHER FORMS OF SECURITY  
2 REQUIRED TO BE SUBMITTED BY APPLICANTS, ANY INDIVIDUAL LICENSES FOR  
3 PRACTICING A PROFESSION PRESCRIBED IN TITLE EIGHT OF THE EDUCATION LAW,  
4 FILINGS UNDER THE UNIFORM COMMERCIAL CODE, OR ROUTINE LICENSES AND  
5 PERMITS FOR INDIVIDUAL PRIVILEGES, INCLUDING LICENSES FOR OPERATING A  
6 MOTOR VEHICLE.

7 S 2. Subdivision 7 of section 837 of the executive law, as added by  
8 chapter 399 of the laws of 1972 and such section as renumbered by chap-  
9 ter 603 of the laws of 1973, is amended to read as follows:

10 7. Receive, process and file fingerprints, photographs and other  
11 descriptive data for the purpose of establishing identity and previous  
12 criminal record. WHENEVER ANY PROVISION OF LAW REQUIRES OR PERMITS THE  
13 SUBMISSION, TRANSMISSION, FORWARDING, RETENTION, RETURN OR DESTRUCTION  
14 THEREOF, THE TERMS "CRIMINAL RECORD", "CRIMINAL HISTORY RECORD", "FING-  
15 ERPRINTS", "FINGERPRINT CARDS", "PHOTOGRAPHS", "PALMPRINTS", "PERSONAL  
16 APPEARANCE DATA", "HANDWRITING SAMPLES", AND "DESCRIPTIVE DATA" SHALL  
17 MEAN AND INCLUDE DIGITAL OR ELECTRONIC IMAGES, IMPRESSIONS, REPRESENTA-  
18 TIONS OR REPRODUCTIONS OF SUCH CRIMINAL RECORD, CRIMINAL HISTORY RECORD,  
19 FINGERPRINTS, FINGERPRINT CARDS, PHOTOGRAPHS, PALMPRINTS, PERSONAL  
20 APPEARANCE DATA, HANDWRITING SAMPLES AND DESCRIPTIVE DATA;

21 S 3. This act shall take effect immediately.