

4843--A

2013-2014 Regular Sessions

I N   S E N A T E

April 26, 2013

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Introduced by Sens. LATIMER, CARLUCCI, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications 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 state technology law, in relation to digital mail communications

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "secure digital mail communications act of 2014".

3     S 2. The state technology law is amended by adding a new article 5 to  
4     read as follows:

5                                 ARTICLE V

6                                 SECURE DIGITAL MAIL COMMUNICATIONS

7     SECTION 501. DEFINITION.

8                 502. COMPLIANCE WITH STATUTORILY MANDATED COMMUNICATIONS.

9                 503. REQUIREMENTS FOR DIGITAL MAIL DELIVERY SERVICE.

10                504. RULES AND REGULATIONS.

11     S 501. DEFINITION. AS USED IN THIS ARTICLE "DIGITAL MAIL DELIVERY  
12     SERVICE" MEANS A SERVICE THAT (A) EMPLOYS SECURITY PROCEDURES TO  
13     PROVIDE, SEND, DELIVER OR OTHERWISE COMMUNICATE ELECTRONIC RECORDS TO  
14     THEIR INTENDED RECIPIENTS BY MEANS THAT UTILIZE (I) SECURITY METHODS  
15     SUCH AS PASSWORDS, ENCRYPTION AND MATCHING AN ELECTRONIC ADDRESS TO A  
16     PERSON'S PHYSICAL U.S. POSTAL ADDRESS, OR (II) OTHER SECURITY METHODS  
17     THAT ARE CONSISTENT WITH APPLICABLE LAW OR INDUSTRY STANDARDS; AND (B)  
18     OPERATES SUBJECT TO OTHERWISE APPLICABLE REQUIREMENTS OF THE ELECTRONIC  
19     SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT OR THE UNIFORM ELECTRONIC  
20     TRANSACTIONS ACT ALLOWING INFORMATION TO BE PROVIDED, SENT, DELIVERED OR  
21     OTHERWISE COMMUNICATED BY OR FROM A GOVERNMENT AGENCY, GOVERNMENT OFFI-

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

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1 CIAL OR ANY PERSON ACTING WITH OFFICIAL GOVERNMENT AUTHORITY TO A PERSON  
2 IN THE FORM OF AN ELECTRONIC RECORD.

3 S 502. COMPLIANCE WITH STATUTORILY MANDATED COMMUNICATIONS. ANY LAW  
4 REQUIRING A GOVERNMENT AGENCY, GOVERNMENT OFFICIAL OR ANY PERSON ACTING  
5 WITH OFFICIAL GOVERNMENT AUTHORITY TO COMMUNICATE WITH PERSONS IN WRIT-  
6 ING OR BY MAIL OR THE LIKE MAY BE SATISFIED BY USE OF A SECURE DIGITAL  
7 MAIL DELIVERY SERVICE.

8 S 503. REQUIREMENTS FOR DIGITAL MAIL DELIVERY SERVICE. FOR THE  
9 PURPOSES OF THIS ARTICLE, A DIGITAL MAIL DELIVERY SERVICE SHALL:

10 (A) ALLOW RECIPIENTS OF COMMUNICATIONS TO OPT-INTO RECEIVING DIGITAL  
11 MAIL DELIVERY FROM EACH ENTITY FROM A LIST OF PUBLIC OR COMMERCIAL ENTI-  
12 TIES, INCLUDING BUSINESSES AND PUBLIC OR GOVERNMENT AGENCIES;

13 (B) SATISFY ALL EXISTING PRIVACY AND SECURITY REQUIREMENTS FOR THE  
14 COMMUNICATION THAT IS BEING SENT;

15 (C) PROVIDE THE SENDER WITH A DELIVERY LOG AND AUDIT CAPABILITY WHEN  
16 PROOF OF MAILING OR PROOF OF DELIVERY IS REQUIRED; AND

17 (D) USE AT LEAST TWO DIFFERENT SOURCES OF VERIFICATION TO ENSURE THE  
18 IDENTITY OF THE SUBSCRIBER AND THE CURRENT PHYSICAL ADDRESS OF THE  
19 SUBSCRIBER.

20 S 504. RULES AND REGULATIONS. THE DIRECTOR SHALL PROMULGATE RULES AND  
21 REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ARTICLE.

22 S 3. This act shall take effect on the one hundred twentieth day after  
23 it shall have become a law. Effective immediately, the addition, amend-  
24 ment and/or repeal of any rules or regulations necessary for the imple-  
25 mentation of this act on its effective date are authorized to be made on  
26 or before such date.