S T A T E O F N E W Y O R K

3446

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. EDDINGTON, DESTITO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to fees and expenses of the department of state and other filing offices for certain filings

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

Section 1. Subdivision 2 of section 96-a of the executive law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

2. The secretary of state shall determine the type and amount of all fees to be collected by the department of state and other filing offices for services rendered by said department or office pursuant to the provisions of the uniform commercial code and article ten-A of the lien law. Such fees, referred to as processing fees, shall be [non-refundable fees] paid to the department of state or office at the time that documents are presented to the department of state or office for filing, and will be [paid whether or not the] COLLECTED UNLESS SUCH documents are NOT accepted for filing, IN WHICH CASE SUCH FEE SHALL BE RETURNED TO THE FILER ALONG WITH THE UNACCEPTED DOCUMENT. Such fees shall be subject to the approval of the director of the budget and shall be promulgated in the official rules and regulations of the department of state in accordance with the provisions of the state administrative procedure act. Nothing contained in this subdivision shall preclude the secretary of state from periodically changing such fees, subject to the approval of the director of the budget, and from periodically amending the official rules and regulations of the department of state in accordance with the provisions of the state administrative procedure act.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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