

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

3664--B

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. AUBRY, BENJAMIN -- Multi-Sponsored by -- M. of A. COOK, GOTTFRIED, JACOBS, JEFFRIES, MCENENY, MILLMAN, ORTIZ, PERRY -- read once and referred to the Committee on Correction -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- 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.
11 S 2. Section 130 of the executive law, as amended by chapter 680 of
12 the laws of 1967 and the opening paragraph as amended by chapter 673 of
13 the laws of 2002, is amended to read as follows:

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

LBD04436-04-0

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

51 (a) Illegally using, carrying or possessing a pistol or other danger-
52 ous weapon; (b) making or possessing burglar's instruments; (c) buying
53 or receiving or criminally possessing stolen property; (d) unlawful
54 entry of a building; (e) aiding escape from prison; (f) unlawfully
55 possessing or distributing habit forming narcotic drugs; (g) violating
56 sections two hundred seventy, two hundred seventy-a, two hundred seven-

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

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

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

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

35 S 4. The opening paragraph of subdivision 2 of section 102 of the
36 alcoholic beverage control law, as amended by chapter 340 of the laws of
37 1972, is amended to read as follows:

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

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

51 (4) applicant, an officer, director, partner, or holder of ten per
52 centum or more of the voting stock of an applicant has been convicted of
53 a felony by a court of the United States or any state or territory ther-
54 eof, without subsequent pardon by the governor or other appropriate
55 authority of the state or jurisdiction in which such conviction
56 occurred, or the receipt of [either] A CERTIFICATE OF RELIEF FROM DISA-

1 BILITIES OR a certificate of good conduct [from the board of parole]
2 pursuant to [the executive law] ARTICLE TWENTY-THREE OF THE CORRECTION
3 LAW,

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

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

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

18 (b) is associating or consorting with any person who has, or persons
19 who have, been convicted of a crime or crimes in any jurisdiction or
20 jurisdictions; provided, however, that the superintendent shall not
21 issue such a license if he shall find that the applicant, or any person
22 who is a director, officer, partner, agent, employee or substantial
23 stockholder of the applicant, has been convicted of a felony in any
24 jurisdiction or of a crime which, if committed within this state, would
25 constitute a felony under the laws thereof. For the purposes of this
26 article, a person shall be deemed to have been convicted of a crime if
27 such person shall have pleaded guilty to a charge thereof before a court
28 or magistrate, or shall have been found guilty thereof by the decision
29 or judgment of a court or magistrate or by the verdict of a jury, irre-
30 spective of the pronouncement of sentence or the suspension thereof,
31 unless such plea of guilty, or such decision, judgment or verdict, shall
32 have been set aside, reversed or otherwise abrogated by lawful judicial
33 process or unless the person convicted of the crime shall have received
34 a pardon therefor from the president of the United States or the gover-
35 nor or other pardoning authority in the jurisdiction where the
36 conviction was had, or shall have received a CERTIFICATE OF RELIEF FROM
37 DISABILITIES OR A certificate of good conduct [granted by the board of
38 parole] pursuant to [the provisions of the executive law] ARTICLE TWEN-
39 TY-THREE OF THE CORRECTION LAW to remove the disability under this arti-
40 cle because of such conviction. The term "substantial stockholder," as
41 used in this subdivision, shall be deemed to refer to a person owning or
42 controlling ten per centum or more of the total outstanding stock of the
43 corporation in which such person is a stockholder. In making a determi-
44 nation pursuant to this subdivision, the superintendent shall require
45 fingerprinting of the applicant. Such fingerprints shall be submitted to
46 the division of criminal justice services for a state criminal history
47 record check, as defined in subdivision one of section three thousand
48 thirty-five of the education law, and may be submitted to the federal
49 bureau of investigation for a national criminal history record check.

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

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

55 Nothing in this section shall be deemed to preclude the issuance of a
56 CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct

1 [by the board of parole] pursuant to ARTICLE TWENTY-THREE OF THE
2 CORRECTION law to a person who previously has been sentenced to impri-
3 sonment for life.

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

7 b. On the reverse side of such envelope shall be printed the following
8 statement:

9 STATEMENT OF ABSENTEE VOTER

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

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

42 Date.....Signature of Voter

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

46 b. On the reverse side of such envelope shall be printed the following
47 statement:

48 STATEMENT OF ABSENTEE VOTER

49 I do declare that I am a citizen of the United States, and will be at
50 least eighteen years of age on the date of the school district election;

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

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

29 Date.....Signature of Voter

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

33 b. On the reverse side of such envelope shall be printed the following
 34 statement:

35 STATEMENT OF ABSENTEE VOTER

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

1 result of this special town election; and that I have not been convicted
2 of bribery or any infamous crime, or, if so convicted, that I have been
3 pardoned or restored to all the rights of a citizen, without restriction
4 as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM
5 DISABILITIES OR A certificate of good conduct [granted by the board of
6 parole] pursuant to [the provisions of the executive] ARTICLE
7 TWENTY-THREE OF THE CORRECTION law removing my disability to register
8 and vote.

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

13 Date..... Signature of Voter.....

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

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

19 STATEMENT OF ABSENTEE VOTER

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

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

50 Date.....Signature of Voter.....

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

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

56 STATEMENT OF ABSENTEE VOTER

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

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

31 Date..... Signature of Voter

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

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

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

54 1. The holder of any license certificate issued pursuant to this arti-
55 cle may employ to assist him in his work of private detective or inves-
56 tigator or bail enforcement agent as described in section seventy-one OF

1 THIS ARTICLE and in the conduct of such business as many persons as he
2 may deem necessary, and shall at all times during such employment be
3 legally responsible for the good conduct in the business of each and
4 every person so employed.

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

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

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

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

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

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

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

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

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

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

40 (1) No person who has been convicted by a court of the United States
41 or by a court of any state or territory thereof of a felony, or of any
42 crime or offense involving fraudulent or dishonest practices, shall
43 serve, be appointed, designated or employed as a trustee, administrator,
44 officer, agent or employee of any employee welfare fund (other than an
45 employee performing non-discretionary clerical or building maintenance
46 duties exclusively) during or for five years after such conviction or
47 the suspension of sentence therefor or from the date of his unrevoked
48 release from custody by parole, commutation or termination of sentence,
49 whichever event occurs later, unless prior to the expiration of said
50 five year period the conviction is finally reversed by a court of compe-
51 tent jurisdiction or he has been pardoned therefor by the governor or
52 other appropriate authority of the state or jurisdiction in which he was
53 convicted or he has received a certificate of relief from disabilities
54 OR A CERTIFICATE OF GOOD CONDUCT pursuant to the provisions of article
55 twenty-three of the correction law which specifically removes the disa-
56 bility herein provided.

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

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

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

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

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

41 S 3454. Restoration of licenses after conviction of a felony. If a
42 person convicted of a felony or crime deemed to be a felony is subse-
43 quently pardoned by the governor of the state where such conviction was
44 had or by the president of the United States, or shall receive a CERTIF-
45 ICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct
46 [granted by the board of parole] pursuant to [the provisions of the
47 executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the
48 disability under this section because of such conviction, the commis-
49 sioner may, in his discretion, on application of such person, and on the
50 submission to him of satisfactory evidence, restore to such person the
51 right to practice in this state.

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

55 No person, co-partnership, limited liability company or corporation
56 shall engage in or follow the business or occupation of, or hold himself

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

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

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

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

45 (a) permanently, if that person has been convicted of or forfeited
46 bond or collateral which forfeiture order has not been vacated or the
47 subject of an order of remission upon a violation of section 130.30,
48 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
49 offense committed under a former section of the penal law which would
50 constitute a violation of the aforesaid sections of the penal law or any
51 offense committed outside of this state which would constitute a
52 violation of the aforesaid sections of the penal law, provided, however,
53 the provisions of this paragraph shall not apply to convictions, suspen-
54 sions or revocations or forfeitures of bonds for collateral upon any of
55 the charges listed in this paragraph for violations which occurred prior
56 to September first, nineteen hundred seventy-four committed by a person

1 employed as a bus driver on September first, nineteen hundred seventy-
2 four. However, such disqualification may be waived provided that five
3 years have expired since the applicant was discharged or released from a
4 sentence of imprisonment imposed pursuant to conviction of an offense
5 that requires disqualification under this paragraph and that the appli-
6 cant shall have been granted a certificate of relief from disabilities
7 [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
8 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law.

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

12 (a) permanently, if that person has been convicted of or forfeited
13 bond or collateral which forfeiture order has not been vacated or the
14 subject of an order of remission upon a violation committed prior to
15 September fifteenth, nineteen hundred eighty-five, of section 130.30,
16 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
17 offense committed under a former section of the penal law which would
18 constitute a violation of the aforesaid sections of the penal law or any
19 offense committed outside of this state which would constitute a
20 violation of the aforesaid sections of the penal law. However, such
21 disqualification may be waived provided that five years have expired
22 since the applicant was discharged or released from a sentence of impri-
23 sonment imposed pursuant to conviction of an offense that requires
24 disqualification under this paragraph and that the applicant shall have
25 been granted a certificate of relief from disabilities [as provided for
26 in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT
27 TO ARTICLE TWENTY-THREE of the correction law.

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

32 (i) has been convicted of or forfeited bond or collateral which
33 forfeiture order has not been vacated or the subject of an order of
34 remission upon a violation committed prior to September fifteenth, nine-
35 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,
36 130.60, or 130.65 of the penal law, or an offense committed under a
37 former section of the penal law which would constitute a violation of
38 the aforesaid sections of the penal law or any offense committed outside
39 of this state which would constitute a violation of the aforesaid
40 sections of the penal law, provided, however, the provisions of this
41 subparagraph shall not apply to convictions, suspensions or revocations
42 or forfeitures of bonds for collateral upon any of the charges listed in
43 this subparagraph for violations which occurred prior to September
44 first, nineteen hundred seventy-four committed by a person employed as a
45 bus driver on September first, nineteen hundred seventy-four. However,
46 such disqualification may be waived provided that five years have
47 expired since the applicant was discharged or released from a sentence
48 of imprisonment imposed pursuant to conviction of an offense that
49 requires disqualification under this paragraph and that the applicant
50 shall have been granted a certificate of relief from disabilities [as
51 provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
52 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the
53 certificate is issued by a court for a conviction which occurred in this
54 state, it shall only be issued by the court having jurisdiction over
55 such conviction. Such certificate shall specifically indicate that the
56 authority granting such certificate has considered the bearing, if any,

1 the criminal offense or offenses for which the person was convicted will
2 have on the applicant's fitness or ability to operate a bus transporting
3 school children to the applicant's prospective employment, prior to
4 granting such a certificate; or
5 (ii) has been convicted of an offense listed in paragraph (a) of
6 subdivision four of this section that was committed on or after Septem-
7 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
8 tion may be waived by the commissioner provided that five years have
9 expired since the applicant was discharged or released from a sentence
10 of imprisonment imposed pursuant to conviction of an offense that
11 requires disqualification under this paragraph and that the applicant
12 shall have been granted a certificate of relief from disabilities [as
13 provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
14 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the
15 certificate is issued by a court for a conviction which occurred in this
16 state, it shall only be issued by the court having jurisdiction over
17 such conviction. Such certificate shall specifically indicate that the
18 authority granting such certificate has considered the bearing, if any,
19 the criminal offense or offenses for which the person was convicted will
20 have on the applicant's fitness or ability to operate a bus transporting
21 school children, prior to granting such a certificate; or
22 (iii) has been convicted of an offense listed in paragraph (b) of
23 subdivision four of this section that was committed on or after Septem-
24 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
25 tion shall be waived provided that five years have expired since the
26 applicant discharged or released from a sentence of imprisonment imposed
27 pursuant to conviction of an offense that requires disqualification
28 under this paragraph and that the applicant shall have been granted a
29 certificate of relief from disabilities [as provided for in section
30 seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE
31 TWENTY-THREE of the correction law. When the certificate is issued by a
32 court for a conviction which occurred in this state, it shall only be
33 issued by the court having jurisdiction over such conviction. Such
34 certificate shall specifically indicate that the authority granting such
35 certificate has considered the bearing, if any, the criminal offense or
36 offenses for which the person was convicted will have on the applicant's
37 fitness or ability to operate a bus transporting school children, prior
38 to granting such a certificate. Provided, however, that at the
39 discretion of the commissioner, the certificate of relief from disabili-
40 ties may remove disqualification at any time; or
41 (i) has been convicted within the preceding five years of an offense
42 listed in paragraph (c) of subdivision four of this section that was
43 committed on or after September fifteenth, nineteen hundred eighty-five.
44 However, such disqualification shall be waived provided that the appli-
45 cant has been granted a certificate of relief from disabilities [as
46 provided for in section seven hundred one] OR A CERTIFICATE OF GOOD
47 CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the
48 certificate is issued by a court for a conviction which occurred in this
49 state, it shall only be issued by the court having jurisdiction over
50 such conviction. Such certificate shall specifically indicate that the
51 authority granting such certificate has considered the bearing, if any,
52 the criminal offense or offenses for which the person was convicted will
53 have on the applicant's fitness or ability to operate a bus transporting
54 school children, prior to granting such a certificate;
55 S 29. Paragraphs (a) and (b) and subparagraph (i) of paragraph (c) of
56 subdivision 2 of section 509-cc of the vehicle and traffic law, para-

graph (a) and subparagraph (i) of paragraph (c) as added by chapter 675 of the laws of 1985 and paragraph (b) as amended by chapter 360 of the laws of 1986, are amended to read as follows:

(a) permanently, if that person has been convicted of an offense listed in paragraph (a) of subdivision four of this section. However, such disqualification may be waived by the commissioner provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been 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. 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 to the applicant's prospective employment, prior to granting such a certificate.

(b) permanently, if that person has been convicted of an offense listed in paragraph (b) of subdivision four of this section. However, such disqualification shall be waived provided that five years have expired since the applicant was incarcerated pursuant to a sentence of imprisonment imposed on conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been 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. 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. Provided, however, that at the discretion of the commissioner the certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW may remove disqualification at any time.

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

1 S 30. Subparagraph (iii) of paragraph d of subdivision 6 of section
2 510 of the vehicle and traffic law, as added by chapter 173 of the laws
3 of 1990, is amended to read as follows:

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

9 S 31. Subparagraph (iii) of paragraph (c) of subdivision 2 of section
10 510-a of the vehicle and traffic law, as amended by section 13 of part E
11 of chapter 60 of the laws of 2005, is amended to read as follows:

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

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

20 (5) A restricted use license or privilege shall be valid for the oper-
21 ation of any motor vehicle, except a vehicle for hire as a taxicab,
22 livery, coach, limousine, van or wheelchair accessible van or tow truck
23 as defined in this chapter subject to the conditions set forth herein,
24 which the holder would otherwise be entitled to operate had his drivers
25 license or privilege not been suspended or revoked. Notwithstanding
26 anything to the contrary in a certificate of relief from disabilities OR
27 A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of
28 the correction law, a restricted use license shall not be valid for the
29 operation of a commercial motor vehicle. A restricted use license shall
30 not be valid for the operation of a vehicle for hire as a taxicab,
31 livery, coach, limousine, van or wheelchair accessible van or tow truck
32 where the holder thereof had his or her drivers license suspended or
33 revoked and (i) such suspension or revocation is mandatory pursuant to
34 the provisions of subdivision two or two-a of section five hundred ten
35 of this title; or (ii) any such suspension is permissive for habitual or
36 persistent violations of this chapter or any local law relating to traf-
37 fic as set forth in paragraph d or i of subdivision three of section
38 five hundred ten of this title; or (iii) any such suspension is permis-
39 sive and has been imposed by a magistrate, justice or judge of any city,
40 town or village, any supreme court justice, any county judge, or judge
41 of a district court. Except for a commercial motor vehicle as defined in
42 subdivision four of section five hundred one-a of this title, the
43 restrictions on types of vehicles which may be operated with a
44 restricted license contained in this subdivision shall not be applicable
45 to a restricted license issued to a person whose license has been
46 suspended pursuant to paragraph three of subdivision four-e of section
47 five hundred ten of this [chapter] TITLE.

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

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

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

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

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

12 S 35. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193
13 of the vehicle and traffic law, as amended by chapter 173 of the laws of
14 1990, is amended to read as follows:

15 (1) Notwithstanding anything to the contrary contained in a certif-
16 icate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT
17 issued pursuant to article twenty-three of the correction law, where a
18 suspension or revocation, other than a revocation required to be issued
19 by the commissioner, is mandatory pursuant to paragraph (a) or (b) of
20 this subdivision, the magistrate, justice or judge shall issue an order
21 suspending or revoking such license upon sentencing, and the license
22 holder shall surrender such license to the court. Except as hereinafter
23 provided, such suspension or revocation shall take effect immediately.

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

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

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

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

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

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

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

54 (g) Notwithstanding anything to the contrary contained in a certif-
55 icate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT
56 issued pursuant to article twenty-three of the correction law, any

1 conditional license or privilege issued to a person convicted of a
2 violation of any subdivision of section eleven hundred ninety-two of
3 this article shall not be valid for the operation of any commercial
4 motor vehicle. In addition, no such conditional license or privilege
5 shall be valid for the operation of a taxicab as defined in this chap-
6 ter.
7 S 40. This act shall take effect immediately, provided, however, that
8 the amendments to subdivision 5 of section 530 of the vehicle and traf-
9 fic law made by section thirty-two of this act shall not affect the
10 expiration of such subdivision and shall be deemed to expire therewith.