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

5702

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

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

AN ACT to amend the general business law, in relation to regulating document destruction contractors

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

Section 1. Subdivision 4 of section 899-bbb of the general business law, as added by chapter 679 of the laws of 2007, is amended to read as follows:

4. The secretary of state may refuse to issue a registration to any person, firm or corporation whom he or she finds has been convicted of any crime, or failed to pay any final civil judgment, relating to work as a document destruction contractor, PROVIDED THAT IN DETERMINING WHETHER TO REFUSE TO ISSUE OR RENEW A REGISTRATION TO A PERSON WHO HAS BEEN CONVICTED OF A CRIME, THE SECRETARY OF STATE SHALL APPLY THE PROVISIONS OF ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW, if such refusal will, in the judgment of the secretary of state, best promote the interests of the people of this state.

S 2. Subparagraph (iii) of paragraph (c) of subdivision 12 of section 899-bbb of the general business law, as added by chapter 679 of the laws of 2007, is amended to read as follows:

(iii) that the applicant or registrant has made [a] AN INTENTIONAL material misstatement in the application for or renewal of his or her registration;

S 3. Subdivision 16 of section 899-bbb of the general business law, as added by chapter 679 of the laws of 2007, is amended to read as follows:

16. The department, acting by the office or person designated to conduct the hearing pursuant to subdivision fourteen of this section or by such other officer or person in the department as the secretary of state may designate, shall have the power to suspend the registration of any registrant who has been convicted in this state or any other state

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

LBD08613-01-9

or territory of a felony or of any misdemeanor WHILE REGISTERED UNDER THIS ARTICLE for a period not exceeding thirty days pending a hearing and a determination of charges made against him or her. If such hearing is adjourned at the request of the registrant, or by reason of any act or omission by him or her or on his or her behalf, such suspension may be continued for the additional period of such adjournment.

S 4. This act shall take effect immediately.