

7446

2011-2012 Regular Sessions

I N A S S E M B L Y

May 4, 2011

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

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 ASSEM-
BLY, 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
24 APPLICANT, BUT SHALL NOT INCLUDE BONDS OR OTHER FORMS OF SECURITY

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

LBD10872-01-1

1 REQUIRED TO BE SUBMITTED BY APPLICANTS, ANY INDIVIDUAL LICENSES FOR
2 PRACTICING A PROFESSION PRESCRIBED IN TITLE EIGHT OF THE EDUCATION LAW,
3 FILINGS UNDER THE UNIFORM COMMERCIAL CODE, OR ROUTINE LICENSES AND
4 PERMITS FOR INDIVIDUAL PRIVILEGES, INCLUDING LICENSES FOR OPERATING A
5 MOTOR VEHICLE.

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

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

20 S 3. This act shall take effect immediately.