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

4815

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The state administrative procedure act is amended by adding a new section 402 to read as follows:

S 402. ELECTRONIC FILING OF APPLICATIONS FOR CERTAIN BUSINESS PERMITS. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A STATE AGENCY MAY, BY PROMULGATION OF REGULATIONS, PERMIT AN APPLICATION FOR A BUSINESS PERMIT OR OTHER LICENSE SUBJECT TO THE PROVISIONS OF THIS SECTION TO BE FILED WITH SUCH AGENCY, SUBSCRIBED AND AFFIRMED BY THE APPLICANT AS TRUE UNDER PENALTY OF PERJURY WHERE STATUTE OTHERWISE REQUIRES THAT SUCH SIGNATURE BE ACKNOWLEDGED, VERIFIED OR SWORN UNDER OATH.

2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A STATE AGENCY MAY, BY PROMULGATION OF REGULATIONS, PERMIT ANY APPLICATION FOR A BUSINESS PERMIT OR OTHER LICENSE SUBJECT TO THE PROVISIONS OF THIS SECTION TO BE SUBMITTED TO SUCH AGENCY BY ELECTRONIC MEANS, PROVIDED THAT ANY SIGNATURE REQUIRED THEREON SHALL MEET THE REQUIREMENTS OF SUBDIVISION THREE OF SECTION THREE HUNDRED TWO OF THE STATE TECHNOLOGY LAW, AND THE USE OF ELECTRONIC RECORDS SHALL MEET THE REQUIREMENTS OF SUBDIVISION ONE OF SECTION THREE HUNDRED FIVE OF THE STATE TECHNOLOGY LAW.

3. THIS SECTION SHALL APPLY TO APPLICATIONS FOR THE ISSUANCE, MODIFICATION OR RENEWAL OF ANY PERMIT, LICENSE, CERTIFICATE, APPROVAL, REGISTRATION, CHARTER, OR SIMILAR FORM OF PERMISSION OR AUTHORITY REQUIRED BY LAW, OR BY STATE AGENCY RULES HAVING THE FORCE AND EFFECT OF LAW, WHICH IS REQUIRED FOR A BUSINESS UNDERTAKING, PROJECT OR ACTIVITY FOR AN

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

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APPLICANT, BUT SHALL NOT INCLUDE BONDS OR OTHER FORMS OF SECURITY REQUIRED TO BE SUBMITTED BY APPLICANTS, ANY INDIVIDUAL LICENSES FOR PRACTICING A PROFESSION PRESCRIBED IN TITLE EIGHT OF THE EDUCATION LAW, FILINGS UNDER THE UNIFORM COMMERCIAL CODE, OR ROUTINE LICENSES AND PERMITS FOR INDIVIDUAL PRIVILEGES, INCLUDING LICENSES FOR OPERATING A MOTOR VEHICLE.

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

7. Receive, process and file fingerprints, photographs and other descriptive data for the purpose of establishing identity and previous criminal record. WHENEVER ANY PROVISION OF LAW REQUIRES OR PERMITS THE SUBMISSION, TRANSMISSION, FORWARDING, RETENTION, RETURN OR DESTRUCTION THEREOF, THE TERMS "CRIMINAL RECORD", "CRIMINAL HISTORY RECORD", "FINGERPRINTS", "FINGERPRINT CARDS", "PHOTOGRAPHS", "PALMPRINTS", "PERSONAL APPEARANCE DATA", "HANDWRITING SAMPLES", AND "DESCRIPTIVE DATA" SHALL MEAN AND INCLUDE DIGITAL OR ELECTRONIC IMAGES, IMPRESSIONS, REPRESENTATIONS OR REPRODUCTIONS OF SUCH CRIMINAL RECORD, CRIMINAL HISTORY RECORD, FINGERPRINTS, FINGERPRINT CARDS, PHOTOGRAPHS, PALMPRINTS, PERSONAL APPEARANCE DATA, HANDWRITING SAMPLES AND DESCRIPTIVE DATA;

S 3. This act shall take effect immediately.