

4843

2013-2014 Regular Sessions

I N S E N A T E

April 26, 2013

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the state technology law, in relation to digital mail communications

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "secure digital mail communications act of 2013".

3 S 2. The state technology law is amended by adding a new article 5 to
4 read as follows:

5 ARTICLE V

6 SECURE DIGITAL MAIL COMMUNICATIONS

7 SECTION 501. DEFINITION.

8 502. COMPLIANCE WITH STATUTORILY MANDATED COMMUNICATIONS.

9 503. REQUIREMENTS FOR DIGITAL MAIL DELIVERY SERVICE.

10 504. RULES AND REGULATIONS.

11 S 501. DEFINITION. AS USED IN THIS ARTICLE "DIGITAL MAIL DELIVERY
12 SERVICE" MEANS A SERVICE THAT (A) EMPLOYS SECURITY PROCEDURES TO
13 PROVIDE, SEND, DELIVER OR OTHERWISE COMMUNICATE ELECTRONIC RECORDS TO
14 THEIR INTENDED RECIPIENTS BY MEANS THAT UTILIZE (I) SECURITY METHODS
15 SUCH AS PASSWORDS, ENCRYPTION AND MATCHING AN ELECTRONIC ADDRESS TO A
16 PERSON'S PHYSICAL U.S. POSTAL ADDRESS, OR (II) OTHER SECURITY METHODS
17 THAT ARE CONSISTENT WITH APPLICABLE LAW OR INDUSTRY STANDARDS; AND (B)
18 OPERATES SUBJECT TO OTHERWISE APPLICABLE REQUIREMENTS OF THE ELECTRONIC
19 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT OR THE UNIFORM ELECTRONIC
20 TRANSACTIONS ACT ALLOWING INFORMATION TO BE PROVIDED, SENT, DELIVERED OR
21 OTHERWISE COMMUNICATED BY OR FROM A GOVERNMENT AGENCY, GOVERNMENT OFFI-
22 CIAL OR ANY PERSON ACTING WITH OFFICIAL GOVERNMENT AUTHORITY TO A PERSON
23 IN THE FORM OF AN ELECTRONIC RECORD.

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

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1 S 502. COMPLIANCE WITH STATUTORILY MANDATED COMMUNICATIONS. ANY LAW
2 REQUIRING A GOVERNMENT AGENCY, GOVERNMENT OFFICIAL OR ANY PERSON ACTING
3 WITH OFFICIAL GOVERNMENT AUTHORITY TO COMMUNICATE WITH PERSONS IN WRIT-
4 ING OR BY MAIL OR THE LIKE MAY BE SATISFIED BY USE OF A SECURE DIGITAL
5 MAIL DELIVERY SERVICE.

6 S 503. REQUIREMENTS FOR DIGITAL MAIL DELIVERY SERVICE. FOR THE
7 PURPOSES OF THIS ARTICLE, A DIGITAL MAIL DELIVERY SERVICE SHALL:

8 (A) ALLOW RECIPIENTS OF COMMUNICATIONS TO OPT-INTO RECEIVING DIGITAL
9 MAIL DELIVERY FROM EACH ENTITY FROM A LIST OF PUBLIC OR COMMERCIAL ENTI-
10 TIES, INCLUDING BUSINESSES AND PUBLIC OR GOVERNMENT AGENCIES;

11 (B) SATISFY ALL EXISTING PRIVACY AND SECURITY REQUIREMENTS FOR THE
12 COMMUNICATION THAT IS BEING SENT;

13 (C) PROVIDE THE SENDER WITH A DELIVERY LOG AND AUDIT CAPABILITY WHEN
14 PROOF OF MAILING OR PROOF OF DELIVERY IS REQUIRED; AND

15 (D) USE AT LEAST TWO DIFFERENT SOURCES OF VERIFICATION TO ENSURE THE
16 IDENTITY OF THE SUBSCRIBER AND THE CURRENT PHYSICAL ADDRESS OF THE
17 SUBSCRIBER.

18 S 504. RULES AND REGULATIONS. THE DIRECTOR SHALL PROMULGATE RULES AND
19 REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ARTICLE.

20 S 3. This act shall take effect on the one hundred twentieth day after
21 it shall have become a law. Effective immediately, the addition, amend-
22 ment and/or repeal of any rules or regulations necessary for the imple-
23 mentation of this act on its effective date are authorized to be made on
24 or before such date.