STATE OF NEW YORK

1896--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ, SEAWRIGHT -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations 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 banking law, the estates, powers and trusts law, the public health law and the real property law, in relation to providing for the remote conduct of certain practices and procedures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 11 of the banking law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any provision of law to the contrary, any instrument which is signed and delivered to the superintendent pursuant to any provision of this chapter, and is required to be verified or acknowledged pursuant to the provisions of this chapter, may be verified or acknowledged by including the standard verification or acknowledgment language in such instrument and transmitting a legible copy of the signed instrument by fax or electronic means. The superintendent shall promulgate all rules and regulations necessary for the implementation of the provisions of this subdivision.

§ 2. Section 3-2.1 of the estates, powers and trusts law is amended by adding a new paragraph (c) to read as follows:

(c) (1) Notwithstanding any provision of this section to the contrary, the attestation of wills may be made utilizing audio-video technology if the following conditions are met:

(A) The testator, if not personally known to the attesting witness, shall present valid photo identification to the attesting witness during the audio-video conference.

(B) The audio-video conference shall allow for direct interaction between the testator and the attesting witness.

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

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(C) The attesting witness shall receive a legible copy of the signature page, or pages, which shall be transmitted via fax or electronic means, within twenty-four hours of such pages being signed by the testator during the audio-video conference.

(D) The attesting witness shall sign the transmitted copy of the signature page, or pages, and transmit the same back to the testator.

(2) An attesting witness may repeat the attestation of the original signature page, or pages, as of the date of execution provided that the attesting witness receives such original signature page, or pages, together with the electronically attested copy, attested to pursuant to the provisions of subparagraph one of this paragraph, within thirty days after the date of execution.

§ 3. Section 7-1.17 of the estates, powers and trusts law is amended by adding a new paragraph (c) to read as follows:

(c) (1) Notwithstanding any provision of this section to the contrary, witnessing pursuant to this section may be made utilizing audio-video technology if the following conditions are met:

(A) The person requesting that their signature be witnessed, if not personally known to the witnesses, shall present valid photo identification to the witnesses during the audio-video conference.

(B) The audio-video conference shall allow for direct interaction between the person requesting that their signature be witnessed and the witnesses.

(C) The witnesses shall receive a legible copy of the signature page, or pages, which shall be transmitted via fax or electronic means, within twenty-four hours of such pages being signed by the person requesting that their signature be witnessed during the audio-video conference.

(D) The witnesses shall sign the transmitted copy of the signature page, or pages, and transmit the same back to the person requesting that their signature be witnessed.

(2) A witness may repeat the witnessing of the original signature page, or pages, as of the date of execution provided that the witness receives such original signature page, or pages, together with the electronically witnessed copy, witnessed pursuant to the provisions of subparagraph one of this paragraph, within thirty days after the date of execution.

§ 4. Section 4201 of the public health law is amended by adding a new subdivision 3-a to read as follows:

3-a. (a) Notwithstanding any provision of this section to the contrary, witnessing pursuant to this section may be made utilizing audio-video technology if the following conditions are met:

(i) The person requesting that their signature be witnessed, if not personally known to the witnesses, shall present valid photo identification to the witnesses during the audio-video conference.

(ii) The audio-video conference shall allow for direct interaction between the person requesting that their signature be witnessed and the witnesses.

(iii) The witnesses shall receive a legible copy of the signature page, or pages, which shall be transmitted via fax or electronic means, within twenty-four hours of such pages being signed by the person requesting that their signature be witnessed during the audio-video conference.

(iv) The witnesses shall sign the transmitted copy of the signature page, or pages, and transmit the same back to the person requesting that their signature be witnessed.

(b) A witness may repeat the witnessing of the original signature page, or pages, as of the date of execution provided that the witness receives such original signature page, or pages, together with the electronically witnessed copy, witnessed pursuant to the provisions of paragraph (a) of this subdivision, within thirty days after the date of execution.

§ 5. The real property law is amended by adding a new section 304-a to read as follows:

§ 304-a. Witnessing utilizing audio-video technology. 1. Notwithstanding any provision of this article to the contrary, witnessing pursuant to this section may be made utilizing audio-video technology if the following conditions are met:

(a) The person requesting that their signature be witnessed, if not personally known to the witness, shall present valid photo identification to the witness during the audio-video conference.

(b) The audio-video conference shall allow for direct interaction between the person requesting that their signature be witnessed and the witness.

(c) The witnesses shall receive a legible copy of the signature page, or pages, which shall be transmitted via fax or electronic means, within twenty-four hours of such pages being signed by the person requesting that their signature be witnessed during the audio-video conference.

(d) The witness shall sign the transmitted copy of the signature page, or pages, and transmit the same back to the person requesting that their signature be witnessed.

2. A witness may repeat the witnessing of the original signature page, or pages, as of the date of execution provided that the witness receives such original signature page, or pages, together with the electronically witnessed copy, witnessed pursuant to the provisions of subdivision one of this section, within thirty days after the date of execution.

§ 6. This act shall take effect on the thirtieth day after it shall have become a law.