

STATE OF NEW YORK

9561

IN SENATE

May 16, 2024

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring the acceptance of electronic signatures on any document

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 title 11-A to read as follows:

3 TITLE 11-A

4 ELECTRONIC SIGNATURES

5 ARTICLE 48-D

6 ELECTRONIC SIGNATURES

7 Section 2500. Definitions.

8 2501. Acceptance of electronic signatures.

9 2502. Requirements and limitations.

10 2503. Utilization.

11 2504. Conflict.

12 § 2500. Definitions. For the purposes of this article:

13 (a) "Document" means any document, form, physical odometer document,
14 power of attorney, or record necessary or required under titles three,
15 four, ten, and eleven of this chapter whether or not the document, form,
16 physical odometer document, or record is expressly prescribed in such
17 titles.

18 (b) "Electronic signature" means an electronic sound, symbol, or proc-
19 ess, attached to or logically associated with a document, form, physical
20 odometer document, or other record and executed or adopted by a person
21 with the intent to sign, agree, or otherwise acknowledge the information
22 and facts to be accurate and correct.

23 (c) "Electronic" means relating to technology having electrical,
24 digital, magnetic, wireless, optical, electromagnetic, or similar capa-
25 bilities.

26 (d) "Physical odometer document" means a physical document as defined
27 in part 580 of title 49 United States code of federal regulations
28 containing an odometer disclosure statement printed on paper by a secure

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

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1 printing process or other secure process by any jurisdiction in compli-
2 ance with such part. Physical odometer documents, for the purposes of
3 this section, are limited to certificates of title, secure powers of
4 attorney, and reassignment documents. The term does not include any
5 other form or document, even if the document contains a space for an
6 odometer reading.

7 § 2501. Acceptance of electronic signatures. (a) The commissioner
8 shall accept electronic signatures on any document.

9 (b) A physical odometer document that is made electronic by imaging,
10 scanning, or similar process:

11 (1) is not an "electronic power of attorney" or "electronic title" as
12 those terms are defined in part 580 of title 49 United States code of
13 federal regulations; and

14 (2) shall be accepted if subsequently executed with an electronic
15 signature as described in subdivision (c) of this section.

16 (c) The commissioner shall accept any document with an electronic
17 signature by:

18 (1) electronic means if the commissioner has a process or system
19 available to accept the document by electronic means and a person need-
20 ing to submit the document has access to the process or the system; or

21 (2) physical means, such that the document is subsequently printed to
22 paper after execution.

23 (d) A physical odometer document which is made electronic by imaging,
24 scanning or other similar process that is subsequently executed with an
25 electronic signature that requires submission to the commissioner by
26 physical means shall require the physical odometer document, in its
27 original format, prior to its execution by electronic signature, to
28 accompany the printed copy if the physical odometer document is a:

29 (1) certificate of title; or

30 (2) secure power of attorney or dealer reassignment and the secure
31 power of attorney or dealer reassignment has physically completed data
32 or information, such as by handwriting or printing, that preceded the
33 execution by electronic signature.

34 § 2502. Requirements and limitations. (a) The commissioner:

35 (1) may require a document containing an electronic signature to
36 include an indication that the signature is electronic;

37 (2) may require a physical odometer document be invalidated, in a
38 manner determined by the commissioner, upon acceptance of the physical
39 odometer document through an electronic process or system;

40 (3) may not refuse to accept any document executed with an electronic
41 signature merely because the document contains an electronic signature
42 provided the electronic signature complies with the requirements of this
43 article;

44 (4) shall not require an electronic signature process or an electronic
45 signature vendor be certified by the commissioner before accepting a
46 document that is executed with an electronic signature through a service
47 provided by the vendor;

48 (5) shall not require a document which has been executed with an elec-
49 tronic signature to be converted to physical format by printing for any
50 purpose, except when submission by physical means is required because
51 the commissioner does not have an electronic process or system available
52 or a person does not have access to the electronic process or system;

53 (6) shall not impose any additional requirement upon an electronic
54 signature except as authorized by this section; and

55 (7) may require a certification of authenticity, audit trail, or simi-
56 lar statement.

1 (b) The system or person granting access to the system used to capture
2 an electronic signature shall verify the identity of the user accessing
3 the system. The system shall:

4 (1) be securely maintained;

5 (2) capture and retain the user information, including the internet
6 protocol address of the signer and date and timestamp of system access
7 or electronic signature capture; and

8 (3) retain all information provided to the system for a period of five
9 years, which shall be made available to the commissioner, other regula-
10 tory agencies, or law enforcement upon request.

11 (c) This section shall not be construed to require, limit, prohibit,
12 or otherwise hinder the ability of the commissioner to provide electron-
13 ic services, systems, or alternative methods to receiving and transmit-
14 ting electronic data, documents, or records, including electronic signa-
15 ture capturing or identity verification.

16 (d) This section shall not be construed to require, limit, prohibit,
17 or otherwise hinder the commissioner to provide or issue an "electronic
18 power of attorney" or "electronic title" as those terms are defined in
19 part 580 of title 49 United States code of federal regulations, or
20 provide an electronic signature process, system, platform, or service.

21 § 2503. Utilization. Electronic signatures may not be used for any
22 purpose other than the purpose indicated by the signer on the document
23 and shall be linked to their respective electronic records to ensure
24 that the signatures cannot be excised, copied, or otherwise transferred
25 unless expressly authorized by the signer.

26 § 2504. Conflict. This section shall prevail in any conflict arising
27 with another provision in this chapter or with article three of the
28 state technology law, the "electronic signatures and records act". Arti-
29 cle three of the state technology law shall govern any area not expres-
30 ly addressed in this section.

31 § 2. This act shall take effect immediately.