

STATE OF NEW YORK

6967--A

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Banks -- recommitted to the Committee on Banks in accordance with Senate Rule 6, sec. 8 -- 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:

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

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

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

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

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

20 (B) The audio-video conference shall allow for direct interaction
21 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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1 (C) The attesting witness shall receive a legible copy of the signa-
2 ture page, or pages, which shall be transmitted via fax or electronic
3 means, within twenty-four hours of such pages being signed by the testa-
4 tor during the audio-video conference.

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

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

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

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

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

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

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

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

31 (2) A witness may repeat the witnessing of the original signature
32 page, or pages, as of the date of execution provided that the witness
33 receives such original signature page, or pages, together with the elec-
34 tronically witnessed copy, witnessed pursuant to the provisions of
35 subparagraph one of this paragraph, within thirty days after the date of
36 execution.

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

39 3-a. (a) Notwithstanding any provision of this section to the contra-
40 ry, witnessing pursuant to this section may be made utilizing audio-vi-
41 deo technology if the following conditions are met:

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

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

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

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

1 (b) A witness may repeat the witnessing of the original signature
2 page, or pages, as of the date of execution provided that the witness
3 receives such original signature page, or pages, together with the elec-
4 tronically witnessed copy, witnessed pursuant to the provisions of para-
5 graph (a) of this subdivision, within thirty days after the date of
6 execution.

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

9 § 304-a. Witnessing utilizing audio-video technology. 1. Notwith-
10 standing any provision of this article to the contrary, witnessing
11 pursuant to this section may be made utilizing audio-video technology if
12 the following conditions are met:

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

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

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

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

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

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