SEP 15 2011
Department of State
Secretary of State

State of New York
Executive Chamber

No. 21

EXECUTIVE ORDER

FINDING OF EMERGENCY AND TEMPORARY SUSPENSION OF PROVISIONS RELATING TO PAYMENT OF FEES FOR DUPLICATE STATE-ISSUED DOCUMENTS

WHEREAS, on August 25, 2011, I issued Executive Order Number 17 declaring a disaster emergency in the Counties of Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk and contiguous areas in the State of New York; and

WHEREAS, beginning on August 27, 2011, Hurricane Irene brought torrential rainfall causing record flooding and storm surge throughout the State of New York, and severely devastated areas in the Counties of Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Kings, Montgomery, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington and Westchester, for which I asked the President of the United States to declare an emergency and a major disaster for the State of New York; and

WHEREAS, as a result of additional severe storms occurring on September 7, 2011 and thereafter, severe flash flooding and major flood conditions developed in the Counties of Albany, Broome, Chenango, Chemung, Delaware, Greene, Herkimer, Montgomery, Oneida, Otsego, Rensselaer, Schenectady, Schoharie, Sullivan and Tioga, for which I have asked the President of the United States to declare an emergency and a major disaster for the State of New York;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, do hereby find that the scope of the disaster resulting from these events has resulted in a number of local governments being unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-b of the Executive Law, I do hereby amend Executive Order Number 17 to declare a State Disaster Emergency, effective September 12, 2011, within the territorial boundaries of the following additional counties: Albany, Broome, Chenango, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Herkimer, Montgomery, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Tioga, Ulster, Warren, Washington and Westchester; and

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, and for the purpose of allowing victims of the disaster to replace certain documentation lost in the disaster, as determined by the appropriate Commissioners of the Departments of Motor Vehicles, Health, Education and Taxation and Finance, the Secretary of State or the State Liquor Authority, I temporarily suspend, for the period from the date of this Executive Order until further notice, the following laws:

A. Suspension of Laws relating to the Department of Motor Vehicles

Subdivision 3 of Section 401 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a motor vehicle or trailer;

Subdivision 3 of Section 410 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a motorcycle;

Subdivision 2 of Section 491 of the Vehicle and Traffic Law, to the extent that it requires payment of fees for a duplicate or replacement non-driver identification card;

Subdivision 2 of Section 503 of the Vehicle and Traffic Law, to the extent that it requires payment of fees for a duplicate or replacement driver's license;

Subdivision (a) of Section 2125 of the Vehicle and Traffic Law, to the extent that it requires payment of fees for a duplicate or replacement certificate of title;

Subdivision 4 of Section 2222 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a snowmobile;

Subdivision 9 of Section 2251 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a vessel;

Subdivision 3 of Section 2261 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a limited use vehicle;

Subdivision 4 of Section 2282 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for an all-terrain vehicle;

B. Suspension of Laws Relating to the Department of State

Subdivisions (3) and (4) of section 96 and Section 96-a of the Executive Law, and Paragraphs (6) and (7) of Subdivision (a), Paragraphs (4) and (5) of Subdivision (b), and Subdivision (d) of Section 143-5.1 of Title 19 of the New York Code of Rules and Regulations, to the extent that these provisions require the Department of State to charge a fee for replacement of documents provided by the Division of Corporations or related to the Uniform Commercial Code;

Subdivision (4) of Section 409 of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement appearance enhancement license certificate;

Subdivision (5) of Section 440 of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement license to engage in the practice of barbering;

Subdivision (6) of Section 441-a of the Real Property Law, to the extent that it requires payment of a fee for a duplicate or replacement pocket card for real estate salespersons and brokers;

Subdivision (3) of Section 160-r of the Executive Law, to the extent that it requires payment of a fee for a duplicate or replacement license, certification or pocket card for real estate appraisers;

Section 76 of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement certificate of license or identification card for bail enforcement agents, private investigators and watch, guard and patrol persons;

Subdivision (12) of Section 96 of the Executive Law, to the extent that it requires payment of a fee for a duplicate or replacement license for a security guard or armored car carrier;

Paragraph (c) of Subdivision (6) of Section 899-bbb of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement certificate of registration as a document destruction contractor;

Subdivision (6) of Section 797 of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement certificate of registration as a hearing aid dispenser;

Subdivision (13) of Section 131 of the Executive Law, to the extent that it requires payment of a fee for a duplicate or replacement notary public identification card;

Subdivision (2) of Section 750-g of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement license to engage in the business of operating a pet cemetery or pet crematorium;

Subdivision (3) of Section 69-r of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement alarm installers license;

C. Suspension of Laws Relating to the Department of Health

Subdivisions (2) and (9) of Section 4174 of the Public Health Law, to the extent that it requires payment of a fee for replacement certificates or certified transcripts of birth, and certificates of live birth, death or fetal death;

Subdivision (6) of Section 4139 and Subdivision (9) of Section 4174 of the Public Health Law, to the extent that they require payment of a fee for a duplicate or replacement certification, certified copy or certified transcript of a certificate of dissolution of marriage;

Section 20-a of the Domestic Relations Law and Subdivision (9) of Section 4174 of the Public Health Law, to the extent that they require payment of a fee for a duplicate or replacement certified transcript of a marriage;

D. Suspension of Laws Relating to the Department of Taxation and Finance

Paragraph (a) of subdivision 1 of Section 502 of the Tax Law, to the extent that it requires payment of a fee for replacement of a highway use tax certificate of registration;

Subdivision (a) of Section 522 of the Tax Law, to the extent that it requires payment of fees for replacement of a fuel use license or decal; and

E. Suspension of Laws Relating to the State Liquor Authority

Subdivision (6) of Section 114 of the Alcoholic Beverages Control Law, to the extent that it requires payment of a fee for replacement of any business license;

F. Suspension of Law Relating to the State Education Department

Subdivision (4) of Section 7210 of the Education Law, to the extent that it requires payment of a fee for replacement of certificate of authorization to provide professional engineering or land surveying services;

Sections 212 and 6507 of the Education Law and Subdivision (f) of Section 59.9 of Subchapter B of Chapter 2 of Title 8 of the New York Code of Rules and Regulations, to the extent that they require payment of a fee for obtaining duplicate or replacement registration certificates and licensing documents.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifteenth day of September in the year two thousand eleven.

BY THE GOVERNOR

Secretary to the Governor