

RULE REVIEW

Department of State

Pursuant to section 207(4) of the State Administrative Procedure Act (SAPA), the Department of State published notice, in the January 2, 2013 edition of the New York State Register, of rules the Department intended to review in calendar year 2013. No public comments on the continuation or modification of the rules were received by the Department of State, which hereby gives notice that it has reviewed the following regulations that were adopted during 2008, 2003 and 1998.

All references are to Title 19 of the New York Code of Rules and Regulations unless otherwise noted.

RULES ADOPTED IN 2008

(1) DOS-47-07-00018 Manufactured Homes

The rule Added Part 1210 to implement Article 21-B of the Executive Law regarding warranty seal, certifications, and dispute resolutions concerning construction, installation, and servicing of manufactured homes.

Legal basis for the rule: Executive Law, section 604

The rule is needed for ongoing implementation of Article 21-B of the Executive Law.

(2) DOS-49-07-00003 Continuing Education for Hearing Aid Dispensers

The rule Amended Section 192.7 to require registered dispensers of hearing aids to complete continuing education requirements on infection control and professional conduct.

Legal basis for the rule: General Business Law, section 803

The rule is needed to continue mandating continuing education requirements for hearing aid dispensers.

(3) DOS-30-08-0012 Local Government Efficiency Grant Program

The rule Added Part 815 to establish criteria and eligibility requirements for local government efficiency awards program.

Legal basis for the rule: State Finance Law, section 54(10)

The rule is needed because this Grant Program is ongoing.

(4) DOS-32-08-00006 Fire Alarm and Security Systems

The rule Amended Sections 196.1, 196.2, 196.8, & 196.10 to add a qualifying educational module for licensure to install, service or maintain security or fire alarm systems.

Legal basis for the rule: General Business Law, section 69-n

The rule is needed to continue requiring the above-stated qualifying educational module.

RULES ADOPTED IN 2003

As further required by section 207 of the State Administrative Procedure Act (SAPA), the following is a list of certain rules that were adopted by the Department of State in calendar year 2003 and reviewed in calendar year 2013. Unless otherwise noted, all following references are to Title 19 of NYCRR.

(1) DOS-53-02-00019 Continuing Education for Real Estate Brokers and Salespeople

The rule Amended Part 177 to update rules regarding continuing education and to provide for computer-based and distance learning.

Legal basis for the rule: Real Property Law, section 441(3)

The rule is needed to continue providing expanded education and learning opportunities.

RULES ADOPTED IN 1998

As further required by section 207 of the State Administrative Procedure Act (SAPA), the following is a list of certain rules that were adopted by the Department of State in calendar year 1998 and reviewed in calendar year 2013. Unless otherwise noted, all following references are to Title 19 of NYCRR.

(1) DOS-41-98-00001 Trademarks and Service Marks

The rule Added Part 140 to provide information and instruction to those who file trademarks and service marks with this Department.

Legal basis for the rule: Executive Law, section 91; General Business Law, sections 360-i & 360-q

The rule is needed to continue providing helpful information and instruction.

(2) DOS-11-98-00003 Filing Rule Technical Amendments

Amended Parts 145, 150, 154 and 155 of Title 19 NYCRR

The rule Amended Parts 145, 150, 154 and 155 to: eliminate references to certain technologies, conform provisions to statutory changes, and reflect filing practices in the Department's Division of Corporations.

Legal basis for the rule: Executive Law, section 91

The rule is needed for the above-stated purposes.

(3) DOS-11-98-00002 Corporation Names

The rule Added Part 156 to modernize the naming rule for business organizations.

Legal basis for the rule: Executive Law, section 91

As indicated in a Notice of Proposed Rule Making published in the New York State Register on April 17, 2013, the Department is in the process of modifying Part 156 as it relates to the distinguishability of corporation and other business-entity names.

(4) DOS-14-98-00004 Continuing Education for Real Estate Appraisers

The rule Added Part 1107 to implement continuing education requirements of State law.

Legal basis for the rule: Executive Law, section 160-t

The rule is needed to continue implementing above-stated statutory requirements.

(5) DOS-26-97-00019 Filing of Local Laws

Analysis of the need for the rule: The rule Added Part 130 to simplify and clarify filing procedures.

Legal basis for the rule: Executive Law, section 91

The rule is needed for the above-stated simplification and clarification purposes.

To obtain information concerning any item in the above Review of

Rules of the Department of State, please contact: David Treacy, Esq., Office of General Counsel, New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Suite 1120, Albany, New York 12231-0001, (518) 474-6740; David.Treacy@dos.ny.gov. This Review of Rules is posted on the Department's website at: http://www.dos.ny.gov/info/regulatory__activity/rulereview/rulereview.htm