

STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE
COMMISSIONER OF TAXATION AND FINANCE
ALBANY, NEW YORK

Pursuant to the authority contained in subdivisions First and Fourteenth of section 171 of the Tax Law, the Commissioner of Taxation and Finance hereby proposes to make and adopt the following amendments to the Procedural Regulations, as published in Chapter IX of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such amendments to read as follows:

Section 1. Subdivision (a) of section 2402.1 of such regulation is amended to read as follows:

(a) "Taxpayer's option to choose." Notwithstanding any other provision of this Title and unless specifically provided for otherwise by law, any record that is required to be retained by a taxpayer may be retained pursuant to the provisions of this Part in either hard-copy format or electronic format (or both) at the discretion of the taxpayer. For examples of statutory exceptions to allowing the retention of records electronically, see section [107] 307 of the State Electronic Signatures and Records Act ([Laws 1999, chapter 4] New York State Technology Law, section 301 "et seq.") and section [103] 7003 of the Federal Electronic Signatures in Global and National Commerce Act ([Public Law 106-229] 15 USCS, section 7001 "et seq.").

Andrew S. Eristoff
Commissioner of Taxation and Finance

Dated: Albany, New York
April 25, 2006