

2735

2013-2014 Regular Sessions

I N   S E N A T E

January 23, 2013

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

AN ACT to amend the civil practice law and rules, in relation to required pleadings in actions arising from the conduct of a business required to be licensed by the state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision (e) of rule 3015 of the civil practice law and  
2 rules, as amended by chapter 458 of the laws of 2012, is amended to read  
3 as follows:  
4     (e) License to do business. Where the plaintiff's cause of action  
5 against a consumer arises from the plaintiff's conduct of a business  
6 which is required by state or local law to be licensed by the department  
7 of consumer affairs of the city of New York, the Suffolk county depart-  
8 ment of consumer affairs, the Westchester county department of consumer  
9 affairs/weight-measures, the county of Rockland, the county of Putnam or  
10 the Nassau county department of consumer affairs, the complaint shall  
11 allege, as part of the cause of action, that plaintiff was duly licensed  
12 at the time of services rendered and shall contain the name and number,  
13 if any, of such license and the governmental agency which issued such  
14 license[; provided, however, that where the plaintiff does not have a  
15 license at the commencement of the action the plaintiff may, subject to  
16 the provisions of rule thirty hundred twenty-five of this article, amend  
17 the complaint with the name and number of an after-acquired license or  
18 the previously held license, as the case may be, and the name of the  
19 governmental agency which issued such license or move for leave to amend  
20 the complaint in accordance with such provisions]. The failure of the  
21 plaintiff to comply with this subdivision will permit the defendant to  
22 move for dismissal pursuant to paragraph seven of subdivision (a) of  
23 rule thirty-two hundred eleven of this chapter.  
24     S 2. This act shall take effect immediately.

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

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