

STATE OF NEW YORK

7725

2021-2022 Regular Sessions

IN ASSEMBLY

May 20, 2021

Introduced by M. of A. ZINERMAN -- (at request of the Department of Labor) -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to authorizing service of notice by electronic communication

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 33 of the labor law, as amended by chapter 756 of
2 the laws of 1975, is amended to read as follows:

3 § 33. Service of notice. ~~[Whenever]~~ Notwithstanding any other law,
4 rule, or regulation, whenever the commissioner or board or any person
5 affected by the provisions of this chapter is required to give notice in
6 writing to any person, such notice may be given by mailing it in a
7 letter addressed to ~~[such person at his]~~ the last known place of busi-
8 ness ~~[or]~~ of such person, by delivering it to ~~[him]~~ the person
9 personally, or by electronic communication with the consent of the
10 person. Notice to a partnership may be given to any of the partners
11 ~~[and]~~ notice to a corporation may be given to any officer or agent
12 thereof, and notice to a limited liability company may be given to any
13 member or agent thereof, upon whom a summons may be served as provided
14 by the civil practice law and rules, or by electronic communication with
15 the consent of the entity. Consent for any entity may be provided by a
16 partner, officer, agent, member, owner, or other similar individual.
17 Whenever an order or demand of the department is required to be served
18 it shall be served in the manner hereinbefore provided for the service
19 of a notice ~~[or]~~ by delivering it to any person of suitable age and
20 discretion in charge of the premises affected by such order or demand,
21 or by electronic communication with the consent of the person, or if no
22 person is found in charge by affixing a copy thereof conspicuously upon
23 the premises. For the purposes of this section a person or entity shall
24 be deemed to have consented to electronic communication if they enrolled
25 or registered for electronic notice with the department.

26 § 2. This act shall take effect immediately.

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

LBD09616-02-1