S T A T E O F N E W Y O R K

3156

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the uniform justice court act, in relation to the method and place of service of summons

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

Section 1. Section 403 of the uniform justice court act, as amended by chapter 612 of the laws of 1991, is amended to read as follows:

S 403. Summons; method and place of service.

Service of summons shall be made in the manner prescribed in supreme court practice, including the optional method of service by mail authorized by CPLR 312-a, but it shall be made only within the county; provided, however, that (1) where the cause of action arises from the failure to make payment on goods and/or services to a person who is lawfully engaged in the business of providing such goods and/or services, and at the time such goods and/or services were received by the alleged debtor, such parties named in the summons were residents of the same county, the alleged debtor named therein as a defendant may also be served in any adjoining county; AND (2) WHERE THE CAUSE OF ACTION ARISES FROM A FAILURE TO COMPLY WITH A STATE OR LOCAL HOUSING CODE VIOLATION, AND OWNER RESIDES WITHIN THE STATE, A DEFENDANT MAY ALSO BE SERVED ANYWHERE WITHIN THE STATE.

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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