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

6640

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. BRENNAN, POWELL, ESPAILLAT -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to the validity of service of process in certain circumstances

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

Section 1. Section 308 of the civil practice law and rules is amended by adding a new closing paragraph to read as follows:

WHERE BOTH ACTS OF SERVICE PURSUANT TO SUBDIVISION TWO OR FOUR OF THIS SECTION HAVE BEEN ATTEMPTED, AND ONE OF THE TWO ACTS OF SERVICE PRESCRIBED UNDER EITHER SUBDIVISION TWO OR FOUR OF THIS SECTION HAS BEEN VALIDLY EFFECTED, IT SHALL BE SUFFICIENT TO SUSTAIN THE SERVICE IF IT IS SHOWN THAT THE DEFENDANT ACTUALLY HAS RECEIVED PROCESS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall only apply to actions and proceedings commenced on or after such date.

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

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