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

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I N A S S E M B L Y

March 10, 2010

Introduced by M. of A. ZEBROWSKI, BOYLAND, CRESPO, FIELDS, HOOPER, REILLY, JAFFEE -- Multi-Sponsored by -- M. of A. CAHILL, DINOWITZ, JOHN, MARKEY, PHEFFER, SKARTADOS -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to requiring pleadings in actions arising from the conduct of a business required to be licensed by the state to set forth in the pleadings that the business was licensed at the time the cause of action arose

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

Section 1. Subdivision (e) of rule 3015 of the civil practice law and rules, as amended by chapter 465 of the laws of 1996, is amended to read as follows:

(e) License to do business. Where the plaintiff's cause of action against a consumer arises from the plaintiff's conduct of a business which is required by state or local law to be licensed by the department of consumer affairs of the city of New York, the Suffolk county department of consumer affairs, the Westchester county department of consumer affairs/weight-measures, the county of Rockland, the county of Putnam or the Nassau county department of consumer affairs, the complaint shall allege, as part of the cause of action, that plaintiff [is] WAS duly licensed AT THE TIME OF SERVICES RENDERED and shall contain the name and number, if any, of such license and the governmental agency which issued such license[; provided, however, that where the plaintiff does not have a license at the commencement of the action the plaintiff may, subject to the provisions of rule thirty hundred twenty-five of this article, amend the complaint with the name and number of an after-acquired license and the name of the governmental agency which issued such license or move for leave to amend the complaint in accordance with such provisions. The failure of the plaintiff to comply with this subdivision will permit the defendant to move for dismissal pursuant to paragraph seven of subdivision (a) of rule thirty-two hundred eleven of this chapter].

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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