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

4187

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

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

AN ACT to amend the civil practice law and rules, in relation to time limitations for filing claims for certain injuries

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

Section 1. Subdivision 4 of section 214-c of the civil practice law and rules, as added by chapter 682 of the laws of 1986, is amended to read as follows:

4. Notwithstanding the provisions of subdivisions two and three of this section, where the discovery of the SPECIFIC TOXIC ETIOLOGICAL cause of the injury, INCLUDING THE SOURCE OF THE ALLEGED HARM, is alleged to have occurred less than [five] TEN years after discovery of the injury or when with reasonable diligence such injury should have been discovered, whichever is earlier, an action may be commenced or a claim filed within [one year] THREE YEARS of such discovery of the cause of the injury; provided, however, if any such action is commenced or claim filed after the period in which it would otherwise have been authorized pursuant to subdivision two or three of this section the plaintiff or claimant shall be required to allege and prove that technical, scientific or medical knowledge and information sufficient to ascertain the cause of his injury had not been discovered, identified or determined, OR THAT AFTER DILIGENT EFFORT THE CAUSE WAS NOT KNOWN BY THE PLAINTIFF OR CLAIMANT, prior to the expiration of the period within which the action or claim would have been authorized and that he has otherwise satisfied the requirements of subdivisions two and three of this section.

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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