

2215

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 14, 2011

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

AN ACT to amend the civil practice law and rules, in relation to requir-  
ing 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision (e) of rule 3015 of the civil practice law and  
2 rules, as amended by chapter 465 of the laws of 1996, is amended to read  
3 as follows:  
4     (e) License to do business. Where the plaintiff's cause of action  
5 against a consumer arises from the plaintiff's conduct of a business  
6 which is required by state or local law to be licensed by the department  
7 of consumer affairs of the city of New York, the Suffolk county depart-  
8 ment of consumer affairs, the Westchester county department of consumer  
9 affairs/weight-measures, the county of Rockland, the county of Putnam or  
10 the Nassau county department of consumer affairs, the complaint shall  
11 allege, as part of the cause of action, that plaintiff [is] WAS duly  
12 licensed AT THE TIME OF SERVICES RENDERED and shall contain the name and  
13 number, if any, of such license and the governmental agency which issued  
14 such license[; provided, however, that where the plaintiff does not have  
15 a license at the commencement of the action the plaintiff may, subject  
16 to the provisions of rule thirty hundred twenty-five of this article,  
17 amend the complaint with the name and number of an after-acquired  
18 license and the name of the governmental agency which issued such  
19 license or move for leave to amend the complaint in accordance with such  
20 provisions. The failure of the plaintiff to comply with this subdivision  
21 will permit the defendant to move for dismissal pursuant to paragraph  
22 seven of subdivision (a) of rule thirty-two hundred eleven of this chap-  
23 ter].  
24     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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