

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

7768--B

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. BRENNAN -- Multi-Sponsored by -- M. of A. P. RIVERA -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to claims and actions against the New York city school construction authority arising out of contracts

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

1 Section 1. Subdivision 2 of section 1744 of the public authorities
2 law, as added by chapter 738 of the laws of 1988, is amended to read as
3 follows:
4 2. No action or proceeding for any cause whatever, other than the one
5 for personal injury, death, property damage or tort, which shall be
6 governed by subdivision one of this section, relating to the design,
7 construction, reconstruction, improvement, rehabilitation, repair,
8 furnishing or equipping of educational facilities, shall be prosecuted
9 or maintained against the authority or any member, officer, agent, or
10 employee thereof, unless (i) it shall appear by and as an allegation in
11 the complaint or moving papers, that a detailed, written, verified
12 notice of each claim upon which any part of such action or proceeding is
13 founded was presented to the board within three months after the accrual
14 of such claim, that at least thirty days have elapsed since such notice
15 was so presented and that the authority or the officer or body having
16 the power to adjust or pay said claim has neglected or refused to make
17 an adjustment or payment thereof, and (ii) the action or proceeding
18 shall have been commenced within one year after the happening of the

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

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1 event upon which the claim is based; provided, however, that nothing
2 contained in this subdivision shall be deemed to modify or supersede any
3 provision of law or contract specifying a shorter period of time in
4 which to commence such action or proceeding, or to excuse compliance
5 with any other conditions required by contract to be satisfied prior to
6 the commencement of such action or proceeding. IN THE CASE OF AN ACTION
7 OR SPECIAL PROCEEDING FOR MONIES DUE ARISING OUT OF CONTRACT, ACCRUAL OF
8 SUCH CLAIM SHALL BE DEEMED TO HAVE OCCURRED AS OF THE DAY PAYMENT FOR
9 THE AMOUNT CLAIMED WAS DENIED BY WRITTEN NOTICE DELIVERED BY PERSONAL
10 SERVICE, CERTIFIED MAIL OR AS OTHERWISE PROVIDED BY CONTRACT.
11 S 2. This act shall take effect immediately.