

7092

I N   S E N A T E

April 27, 2012

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Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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:

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 OR THE PREVIOUSLY HELD LICENSE, AS THE CASE MAY BE, and the name  
19 of the governmental agency which issued such license or move for leave  
20 to amend the complaint in accordance with such provisions. The failure  
21 of the plaintiff to comply with this subdivision will permit the defend-  
22 ant to move for dismissal pursuant to paragraph seven of subdivision (a)  
23 of rule thirty-two hundred eleven of this chapter.  
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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