

10657

I N A S S E M B L Y

June 12, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weinstein)
-- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, the general municipal law, the environmental conservation law, the public authorities law, the education law, the mental hygiene law, the private housing finance law, the facilities development corporation act, the administrative code of the city of New York, and chapter 154 of the laws of 1921 relating to the port authority of New York and New Jersey, in relation to establishing a uniform process and requirement for the filing of notices of claim prior to the commencement of a cause of action against any state or municipal entity, public authority or public benefit corporation

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "uniform notice of claim act".
3 S 2. The civil practice law and rules is amended by adding a new
4 section 217-a to read as follows:
5 S 217-A. ACTIONS TO BE COMMENCED WITHIN ONE YEAR AND NINETY DAYS.
6 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND IRRE-
7 SPECTIVE OF WHETHER THE RELEVANT STATUTE IS EXPRESSLY AMENDED BY
8 SECTIONS ONE THROUGH SEVENTY-SIX OF THE UNIFORM NOTICE OF CLAIM ACT,
9 EVERY ACTION FOR DAMAGES OR INJURIES TO REAL OR PERSONAL PROPERTY, OR
10 FOR THE DESTRUCTION THEREOF, OR FOR PERSONAL INJURIES OR WRONGFUL DEATH,
11 AGAINST ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY INSTRUMENTALITY
12 OR AGENCY OF THE STATE OR A POLITICAL SUBDIVISION, ANY PUBLIC AUTHORITY
13 OR ANY PUBLIC BENEFIT CORPORATION THAT IS ENTITLED TO RECEIVE A NOTICE
14 OF CLAIM AS A CONDITION PRECEDENT TO COMMENCEMENT OF AN ACTION, SHALL
15 NOT BE COMMENCED UNLESS A NOTICE OF CLAIM SHALL HAVE BEEN SERVED ON SUCH
16 GOVERNMENTAL ENTITY WITHIN THE TIME LIMIT ESTABLISHED BY, AND IN COMPLI-
17 ANCE WITH ALL THE REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL MUNICI-
18 PAL LAW. EXCEPT IN AN ACTION FOR WRONGFUL DEATH AGAINST SUCH AN ENTITY,
19 AN ACTION FOR DAMAGES OR FOR INJURIES TO REAL OR PERSONAL PROPERTY, OR
20 FOR THE DESTRUCTION THEREOF, OR FOR PERSONAL INJURIES, ALLEGED TO HAVE

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

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1 BEEN SUSTAINED, SHALL NOT BE COMMENCED MORE THAN ONE YEAR AND NINETY
2 DAYS AFTER THE CAUSE OF ACTION THEREFOR SHALL HAVE ACCRUED OR WITHIN THE
3 TIME PERIOD OTHERWISE PRESCRIBED BY ANY SPECIAL PROVISION OF LAW, WHICH-
4 EVER IS LONGER. NOTHING HEREIN IS INTENDED TO AMEND THE COURT OF CLAIMS
5 ACT OR ANY PROVISION THEREOF.

6 S 3. Paragraph 12 of subdivision (a) of section 8301 of the civil
7 practice law and rules in renumbered paragraph 13 and a new paragraph 12
8 is added to read as follows:

9 12. ANY FEE IMPOSED BY SECTION FIFTY-THREE OF THE GENERAL MUNICIPAL
10 LAW; AND

11 S 4. Subdivision 3 of section 50-e of the general municipal law is
12 amended by adding a new paragraph (f) to read as follows:

13 (F) SERVICE OF A NOTICE OF CLAIM ON THE SECRETARY OF STATE AS AGENT OF
14 ANY PUBLIC CORPORATION WHATSOEVER CREATED OR EXISTING BY VIRTUE OF THE
15 LAWS OF THE STATE OF NEW YORK UPON WHOM SERVICE OF A NOTICE OF CLAIM IS
16 REQUIRED AS A CONDITION PRECEDENT TO BEING SUED, MAY BE MADE BY
17 PERSONALLY DELIVERING TO AND LEAVING WITH THE SECRETARY OF STATE OR A
18 DEPUTY, OR WITH ANY PERSON AUTHORIZED BY THE SECRETARY OF STATE TO
19 RECEIVE SUCH SERVICE, AT ANY OFFICE OF THE DEPARTMENT OF STATE IN THE
20 CITY OF ALBANY OR AT ONE OF HIS OR HER REGULARLY ESTABLISHED OFFICES,
21 DUPLICATE COPIES OF SUCH NOTICE OF CLAIM TOGETHER WITH THE STATUTORY
22 FEE, WHICH FEE SHALL BE A TAXABLE DISBURSEMENT. SERVICE ON SUCH PUBLIC
23 CORPORATION SHALL BE COMPLETE WHEN THE SECRETARY OF STATE IS SO SERVED.
24 THE SECRETARY OF STATE SHALL PROMPTLY SEND ONE OF SUCH COPIES BY CERTI-
25 FIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH PUBLIC CORPORATION, AT THE
26 POST OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR
27 THE PURPOSE.

28 S 5. Subdivision 5 of section 50-e of the general municipal law, as
29 amended by chapter 12 of the laws of 2010, is amended to read as
30 follows:

31 5. Application for leave to serve a late notice.

32 Upon application, the court, in its discretion, may extend the time to
33 serve a notice of claim specified in paragraph (a) of subdivision one of
34 this section, WHETHER SUCH SERVICE WAS MADE UPON A PUBLIC CORPORATION OR
35 THE SECRETARY OF STATE. The extension shall not exceed the time limited
36 for the commencement of an action by the claimant against the public
37 corporation. In determining whether to grant the extension, the court
38 shall consider, in particular, whether the public corporation or its
39 attorney or its insurance carrier acquired actual knowledge of the
40 essential facts constituting the claim within the time specified in
41 subdivision one of this section or within a reasonable time thereafter.
42 The court shall also consider all other relevant facts and circum-
43 stances, including: whether the claimant was an infant, or mentally or
44 physically incapacitated, or died before the time limited for service of
45 the notice of claim; whether the claimant failed to serve a timely
46 notice of claim by reason of his justifiable reliance upon settlement
47 representations made by an authorized representative of the public
48 corporation or its insurance carrier; whether the claimant in serving a
49 notice of claim made an excusable error concerning the identity of the
50 public corporation against which the claim should be asserted, PROVIDED
51 THAT AN ERROR MADE IN GOOD FAITH CONCERNING THE IDENTITY OF THE PUBLIC
52 CORPORATION AGAINST WHOM THE CLAIM SHOULD HAVE BEEN ASSERTED MAY BE THE
53 BASIS FOR THE GRANTING OF AN EXTENSION OF TIME TO SERVE A CORRECTED
54 NOTICE OF CLAIM UPON THE PROPER PUBLIC CORPORATION, UNLESS IT CAN BE
55 DEMONSTRATED TO THE COURT THAT THE PROPER PUBLIC CORPORATION SUFFERED
56 SUBSTANTIAL PREJUDICE IN THE INVESTIGATION OR DEFENSE OF THE CLAIM DUE

1 TO THE ERROR; if service of the notice of claim is attempted by elec-
2 tronic means pursuant to paragraph (e) of subdivision three of this
3 section, whether the delay in serving the notice of claim was based upon
4 the failure of the computer system of the city or the claimant or the
5 attorney representing the claimant; that such claimant or attorney, as
6 the case may be, submitted evidence or proof as is reasonable showing
7 that (i) the submission of the claim was attempted to be electronically
8 made in a timely manner and would have been completed but for the fail-
9 ure of the computer system utilized by the sender or recipient, and (ii)
10 that upon becoming aware of both the failure of such system and the
11 failure of the city to receive such submission, the claimant or attorney
12 had insufficient time to make such claim within the permitted time peri-
13 od in a manner as otherwise prescribed by law; and whether the delay in
14 serving the notice of claim substantially prejudiced the public corpo-
15 ration in maintaining its defense on the merits.

16 An application for leave to serve a late notice shall not be denied on
17 the ground that it was made after commencement of an action against the
18 public corporation.

19 S 6. The general municipal law is amended by adding a new section 53
20 to read as follows:

21 S 53. ALTERNATIVE SERVICE OF NOTICE OF CLAIM UPON THE SECRETARY OF
22 STATE. 1. IN LIEU OF SERVING A NOTICE OF CLAIM UPON A PUBLIC CORPORATION
23 AS PROVIDED FOR IN SECTION FIFTY-E OF THIS ARTICLE, A NOTICE OF CLAIM
24 SETTING FORTH THE SAME INFORMATION AS REQUIRED BY SUCH SECTION MAY BE
25 SERVED UPON THE SECRETARY OF STATE IN THE SAME MANNER AS IF SERVED WITH
26 THE PUBLIC CORPORATION. ALL THE REQUIREMENTS RELATING TO THE FORM,
27 CONTENT, TIME LIMITATIONS, EXCEPTIONS, EXTENSIONS AND ANY OTHER PROCE-
28 DURAL REQUIREMENTS IMPOSED IN SUCH SECTION WITH RESPECT TO A NOTICE OF
29 CLAIM SERVED UPON A PUBLIC CORPORATION SHALL CORRESPONDINGLY APPLY TO A
30 NOTICE OF CLAIM SERVED UPON THE SECRETARY OF STATE AS PERMITTED BY THIS
31 SECTION. FOR PURPOSES OF THIS ARTICLE, THE SECRETARY OF STATE SHALL BE
32 DEEMED TO BE THE AGENT FOR ALL PUBLIC CORPORATIONS UPON WHOM A NOTICE OF
33 CLAIM MAY BE SERVED PRIOR TO COMMENCEMENT OF ANY ACTION OR PROCEEDING
34 SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE.

35 2. THE SECRETARY OF STATE SHALL DESIGNATE AN OFFICE WITHIN THE DEPART-
36 MENT OF STATE WHEREAT PERSONS ARE ENTITLED BY LAW TO TIMELY SERVE A
37 NOTICE OF CLAIM UPON THE SECRETARY OF STATE AS THE AGENT FOR A PUBLIC
38 CORPORATION AS A CONDITION PRECEDENT TO COMMENCEMENT OF AN ACTION OR
39 PROCEEDING. ALL PUBLIC CORPORATIONS ENTITLED TO HAVE SERVED UPON THEM A
40 NOTICE OF CLAIM AS A CONDITION PRECEDENT TO COMMENCEMENT OF AN ACTION OR
41 PROCEEDING SHALL, NO LATER THAN THIRTY DAYS AFTER THE DATE UPON WHICH
42 THIS SECTION SHALL TAKE EFFECT, FILE A CERTIFICATE WITH THE SECRETARY OF
43 STATE DESIGNATING THE SECRETARY AS THE AGENT FOR SERVICE OF A NOTICE OF
44 CLAIM AND SHALL IN SUCH STATEMENT PROVIDE THE SECRETARY WITH THE NAME
45 AND ADDRESS OF AN OFFICER, PERSON, OR DESIGNEE, NOMINEE OR OTHER AGENT-
46 IN-FACT FOR THE TRANSMITTAL OF NOTICES OF CLAIM SERVED UPON THE SECRE-
47 TARY AS THE PUBLIC CORPORATION'S AGENT. ANY DESIGNATED POST-OFFICE
48 ADDRESS TO WHICH THE SECRETARY OF STATE SHALL MAIL A COPY OF THE NOTICE
49 OF CLAIM SERVED UPON HIM OR HER AS AGENT SHALL CONTINUE TO BE THE
50 ADDRESS TO WHICH SUCH NOTICES SHALL BE MAILED UNTIL THE PUBLIC CORPO-
51 RATION SENDS A NOTICE TO THE SECRETARY INFORMING HIM OR HER OF A NEW
52 ADDRESS TO WHICH SUCH NOTICES SHALL BE MAILED. THE INITIAL FILING WITH
53 THE SECRETARY OF STATE SHALL ALSO CONTAIN THE APPLICABLE TIME LIMIT FOR
54 FILING A NOTICE OF CLAIM UPON THAT PUBLIC CORPORATION, OR IF LATER
55 CHANGED BY STATUTE, A NEW FILING SHALL BE MADE DETAILING THE ALTERED
56 TIME LIMIT. ANY PUBLIC CORPORATION WHO DOES NOT HAVE A CURRENT AND TIME-

LY STATUTORY DESIGNATION FILED WITH THE SECRETARY OF STATE SHALL NOT BE ENTITLED TO THE PORTION OF THE FEE TO WHICH IT WOULD OTHERWISE BE ENTITLED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION. FAILURE OF THE PUBLIC CORPORATION TO SO FILE WITH THE SECRETARY OF STATE WILL NOT INVALIDATE ANY SERVICE OF A NOTICE OF CLAIM UPON THE PUBLIC CORPORATION WHICH HAS BEEN RECEIVED BY THE SECRETARY OF STATE.

3. THE SECRETARY OF STATE IS HEREBY EMPOWERED TO ACCEPT PROPERLY TRANSMITTED NOTICES OF CLAIMS ON BEHALF OF A PUBLIC CORPORATION, WITH THE SAME EFFECT AS IF SERVED DIRECTLY UPON A PUBLIC CORPORATION. THE SECRETARY OF STATE SHALL ACCEPT SUCH SERVICE UPON THE FOLLOWING TERMS AND CONDITIONS:

(A) THE SECRETARY OF STATE SHALL SET AND NOTIFY THE PUBLIC, ON HIS OR HER WEBSITE, AS TO REASONABLE TIMES, PLACES AND MANNER OF SERVICE UPON HIM OR HER OF NOTICES OF CLAIMS;

(B) UPON RECEIPT OF A NOTICE OF CLAIM, THE SECRETARY OF STATE SHALL ISSUE A RECEIPT OR OTHER DOCUMENT ACKNOWLEDGING HIS OR HER RECEIPT OF SUCH NOTICE, AND SUCH RECEIPT SHALL CONTAIN THE DATE AND TIME OF RECEIPT OF THE NOTICE, AN IDENTIFYING NUMBER OR NAME PARTICULAR TO THE NOTICE RECEIVED, AND THE LOGO OR SEAL OF THE DEPARTMENT OF STATE EMBOSSED UPON IT. SUCH RECEIPT SHALL BE PRIMA FACIE EVIDENCE OF SERVICE UPON THE SECRETARY OF STATE FOR ALL PURPOSES;

(C) WITHIN TEN DAYS AFTER RECEIVING THE NOTICE OF CLAIM, THE SECRETARY OF STATE SHALL TRANSMIT AN ORIGINAL OR A COPY OF THE NOTICE OF CLAIM TO THE PUBLIC CORPORATION NAMED IN THE NOTICE;

(D) NOTHING IN THIS SECTION SHALL BE DEEMED TO ALTER, WAIVE OR OTHERWISE ABROGATE ANY DEFENSE AVAILABLE TO A PUBLIC CORPORATION AS TO THE NATURE, SUFFICIENCY, OR APPROPRIATENESS OF THE NOTICE OF CLAIM ITSELF, OR TO ANY CHALLENGES TO THE TIMELINESS OF THE SERVICE OF A NOTICE OF CLAIM. TIMELY SERVICE UPON THE SECRETARY OF STATE SHALL BE DEEMED TIMELY SERVICE UPON THE PUBLIC CORPORATION FOR PURPOSES OF INSTITUTING AN ACTION OR PROCEEDING OR OTHER REQUIREMENT IMPOSED BY LAW.

4. THE SECRETARY OF STATE MAY IMPOSE A FEE UPON ANY PERSON WHO SERVES A NOTICE OF CLAIM WITH THE DEPARTMENT. SUCH FEE SHALL NOT EXCEED TWO HUNDRED FIFTY DOLLARS FOR EACH SUCH NOTICE FILED. ONE-HALF OF THE FEE IMPOSED SHALL BE RETAINED BY THE SECRETARY OF STATE AS PAYMENT FOR ITS SERVICES PROVIDED IN ACCORDANCE WITH THIS SECTION. THE REMAINING ONE-HALF OF SUCH FEE SHALL BE FORWARDED TO THE PUBLIC CORPORATION NAMED IN THE NOTICE OF CLAIM PROVIDED, HOWEVER, IF MORE THAN ONE SUCH PUBLIC CORPORATION IS NAMED, EACH NAMED PUBLIC CORPORATION SHALL BE ENTITLED TO AN EQUAL PERCENTAGE OF THE ONE-HALF AMOUNT.

5. THE SECRETARY OF STATE SHALL WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION POST ON THE DEPARTMENTAL WEBSITE A LIST OF ANY PUBLIC CORPORATION, INCLUDING ANY PUBLIC AUTHORITY, PUBLIC BENEFIT CORPORATION OR ANY OTHER ENTITY ENTITLED TO RECEIVE A NOTICE OF CLAIM AS A CONDITION PRECEDENT TO COMMENCEMENT OF AN ACTION OR PROCEEDING, AND THAT HAS FILED, PURSUANT TO THIS SECTION, A CERTIFICATE WITH THE SECRETARY OF STATE DESIGNATING THE SECRETARY AS THE AGENT FOR SERVICE OF A NOTICE OF CLAIM. THE LIST SHOULD IDENTIFY THE ENTITY, THE ADDRESS OF THE PUBLIC CORPORATION TO WHICH THE NOTICE OF CLAIM SHALL BE FORWARDED BY THE SECRETARY OF STATE, AND ANY STATUTORY PROVISIONS UNIQUELY PERTAINING TO SUCH PUBLIC CORPORATION AND THE COMMENCEMENT OF AN ACTION OR PROCEEDING AGAINST IT.

S 7. Subdivision 2 of section 880 of the general municipal law, as added by chapter 1030 of the laws of 1969, is amended to read as follows:

(2) In a case founded upon tort, a notice of claim shall be required as a condition precedent to the commencement of an action or special proceeding against the agency or an officer, appointee or employee thereof, and the provisions of section fifty-e of [the general municipal law] THIS CHAPTER shall govern the giving of such notice. No action shall be commenced more than one year AND NINETY DAYS after the cause of action therefor shall have accrued.

S 8. Paragraph (viii) of subdivision (b) of section 970-n of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, is amended to read as follows:

(viii) No action or proceeding shall be prosecuted or maintained against an authority for personal injury or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of the authority or any member, officer, agent or employee thereof, unless (1) notice of claim shall have been made and served upon the authority OR THE SECRETARY OF STATE within the time limit ESTABLISHED by and in compliance with section fifty-e of [the general municipal law] THIS CHAPTER, (2) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that the adjustment or payment thereof has been neglected or refused, and (3) the action or proceeding shall be commenced within one year AND NINETY DAYS after the [happening of the event upon which the claim is based] CAUSE OF ACTION SHALL HAVE ACCRUED.

S 9. Paragraph (d) of subdivision 2 of article IV of section 21-1701 of the environmental conservation law is amended to read as follows:

(d) The foregoing consent is granted upon the condition that any suit, action or proceeding prosecuted or maintained hereunder shall be commenced within one year AND NINETY DAYS after the cause of action therefor shall have accrued, and upon the further condition that in the case of any suit, action or proceeding for the recovery or payment of money, prosecuted or maintained hereunder, a notice of claim shall have been served upon the Commission by or on behalf of the plaintiff or plaintiffs [at least sixty days before such suit, action or proceeding is commenced] WITHIN THE TIME LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW. The provisions of this subparagraph shall not apply to claims arising out of provisions of any workmen's compensation law of any of the signatory States.

S 10. Subdivision 2 of section 540 of the public authorities law, as added by chapter 804 of the laws of 1990, is amended to read as follows:

2. [An] EXCEPT IN AN ACTION FOR WRONGFUL DEATH, AN action against the authority for damages for injuries to real or personal property, or for the destruction thereof, or for personal injuries, alleged to have been sustained, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued, nor unless a notice of [intention to commence such action and of the time when and place where the damages were incurred or sustained, together with a verified statement showing in detail the property alleged to have been damaged or destroyed and the value thereof, or the personal injuries alleged to have been sustained and by whom,] CLAIM shall have been filed [in the principal office of the authority within ninety days after such cause of action shall have accrued] WITHIN THE TIME LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW.

1 S 11. Subdivision 2 of section 569-a of the public authorities law, as
2 amended by chapter 804 of the laws of 1990, is amended to read as
3 follows:

4 2. Except in an action for wrongful death, an action against the
5 authority for damages for injuries to real or personal property, or for
6 the destruction thereof, or for personal injuries, alleged to have been
7 sustained, shall not be commenced more than one year AND NINETY DAYS
8 after the cause of action therefor shall have accrued, nor unless a
9 notice of [intention to commence such action and of the time when and
10 place where the damages or personal injuries were incurred or sustained,
11 together with a verified statement showing in detail the property
12 alleged to have been damaged or destroyed and the value thereof, or the
13 personal injuries alleged to have been sustained and by whom,] CLAIM
14 shall have been filed [with the secretary of the authority in the prin-
15 cipal office of the authority within six months after such cause of
16 action shall have accrued] WITHIN THE TIME LIMIT ESTABLISHED BY AND IN
17 COMPLIANCE WITH SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action
18 against the authority for wrongful death shall be commenced in accord-
19 ance with the notice of claim and time limitation provisions of title
20 eleven of article nine of this chapter.

21 S 12. Subdivision 2 of section 666-b of the public authorities law, as
22 added by chapter 804 of the laws of 1990, is amended to read as follows:

23 2. An action against the authority for damages for injuries to real or
24 personal property, or for the destruction thereof, or for personal inju-
25 ries, alleged to have been sustained shall not be commenced more than
26 one year and ninety days after the cause of action therefor shall have
27 accrued, nor unless a notice of [intention to commence such action and
28 of the time when and place where the damages were incurred or sustained,
29 together with a verified statement showing in detail the property
30 alleged to have been damaged or destroyed and the value thereof, or the
31 personal injuries alleged to have been sustained and by whom, shall have
32 been filed in the principal office of the authority within ninety days
33 after such cause of action shall have accrued] CLAIM SHALL HAVE BEEN
34 SERVED ON THE AUTHORITY WITHIN THE TIME LIMIT ESTABLISHED BY, AND IN
35 COMPLIANCE WITH ALL REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL
36 MUNICIPAL LAW.

37 S 13. Subdivision 2 of section 735 of the public authorities law, as
38 added by chapter 804 of the laws of 1990, is amended to read as follows:

39 2. An action against the authority for damages for injuries to real or
40 personal property, or for the destruction thereof, or for personal inju-
41 ries, alleged to have been sustained shall not be commenced more than
42 one year and ninety days after the cause of action therefor shall have
43 accrued, nor unless a notice of [intention to commence such action and
44 of the time when and place where the damages were incurred or sustained,
45 together with a verified statement showing in detail the property
46 alleged to have been damaged or destroyed and the value thereof, or the
47 personal injuries alleged to have been sustained and by whom, shall have
48 been filed in the principal office of the authority within ninety days
49 after such cause of action shall have accrued] CLAIM SHALL HAVE BEEN
50 SERVED WITHIN THE TIME LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL
51 REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW.

52 S 14. Subdivision 1 of section 889 of the public authorities law, as
53 amended by chapter 804 of the laws of 1990, is amended to read as
54 follows:

55 1. In any case founded upon a tort a notice of claim shall be required
56 as a condition precedent to the commencement of an action or special

1 proceeding against the authority and the provisions of section fifty-e
2 of the general municipal law shall apply. EXCEPT IN AN ACTION FOR
3 WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES FOR INJURIES
4 TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR
5 PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE
6 COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION
7 THEREFOR SHALL HAVE ACCRUED.

8 S 15. Subdivision 1 of section 1017 of the public authorities law, as
9 added by chapter 804 of the laws of 1990, is amended to read as follows:

10 1. In any action founded upon tort a notice of claim shall be required
11 as a condition precedent to the commencement of an action or special
12 proceeding against the authority or any officer, appointee, agent or
13 employee thereof, and the provisions of section fifty-e of the general
14 municipal law shall govern the giving of such notice. EXCEPT IN AN
15 ACTION FOR WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES
16 FOR INJURIES TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THERE-
17 OF, OR FOR PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT
18 BE COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF
19 ACTION THEREFOR SHALL HAVE ACCRUED.

20 S 16. Subdivision 1 of section 1020-u of the public authorities law,
21 as amended by chapter 804 of the laws of 1990, is amended to read as
22 follows:

23 1. In any action founded upon tort a notice of claim shall be required
24 as a condition precedent to the commencement of an action or special
25 proceeding against the authority or any officer, appointee, agent or
26 employee thereof, and the provisions of section fifty-e of the general
27 municipal law shall govern the giving of such notice. EXCEPT IN AN
28 ACTION FOR WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES
29 FOR INJURIES TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THERE-
30 OF, OR FOR PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT
31 BE COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF
32 ACTION THEREFOR SHALL HAVE ACCRUED.

33 S 17. Subdivision 3 of section 1021-m of the public authorities law,
34 as added by chapter 533 of the laws of 2010, is amended to read as
35 follows:

36 3. An action against the authority founded on tort shall be commenced
37 in compliance with all the requirements of section fifty-e of the gener-
38 al municipal law, except that an action against the authority for wrong-
39 ful death shall be commenced in accordance with the provisions of title
40 eleven of article nine of this chapter. EXCEPT IN AN ACTION FOR WRONGFUL
41 DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES FOR INJURIES TO REAL
42 OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR PERSONAL
43 INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE COMMENCED MORE
44 THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION THEREFOR SHALL
45 HAVE ACCRUED.

46 S 18. Subdivision 1 of section 1048-v of the public authorities law,
47 as amended by chapter 804 of the laws of 1990, is amended to read as
48 follows:

49 1. Except in an action for wrongful death, no action or proceeding
50 shall be prosecuted or maintained against the authority or the water
51 board for personal injury or damage to real or personal property alleged
52 to have been sustained by reason of the negligence or wrongful act of
53 the authority or the board or of any member, officer, agent or employee
54 thereof, unless (i) a notice of claim shall have been made and served
55 upon the authority or the water board, as the case may be, within the
56 time limit by and in compliance with section fifty-e of the general

1 municipal law, (ii) it shall appear by and as an allegation in the
2 complaint or moving papers that at least thirty days have elapsed since
3 the service of such notice and that adjustment or payment thereof has
4 been neglected or refused, and (iii) the action or proceeding shall be
5 commenced within one year AND NINETY DAYS after the happening of the
6 event upon which the claim is based. An action against the authority or
7 water board for wrongful death shall be commenced in accordance with the
8 notice of claim and time limitation provisions of title eleven of arti-
9 cle nine of this chapter.

10 S 19. Subdivision 1 of section 1067 of the public authorities law, as
11 amended by chapter 804 of the laws of 1990, is amended to read as
12 follows:

13 1. In any case founded upon tort a notice of claim shall be required
14 as a condition precedent to the commencement of an action or special
15 proceeding against the authority or any officer, appointee, agent or
16 employee thereof, and the provisions of section fifty-e of the general
17 municipal law shall govern the giving of such notice. EXCEPT IN AN
18 ACTION FOR WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES
19 FOR INJURIES TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THERE-
20 OF, OR FOR PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT
21 BE COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF
22 ACTION THEREFOR SHALL HAVE ACCRUED.

23 S 20. Subdivision 1 of section 1089 of the public authorities law, as
24 amended by chapter 804 of the laws of 1990, is amended to read as
25 follows:

26 1. In any case founded upon tort a notice of claim shall be required
27 as a condition precedent to the commencement of an action or special
28 proceeding against the authority or any officer, appointee or employee
29 thereof, and the provisions of section fifty-e of the general municipal
30 law shall govern the giving of such notice. EXCEPT IN AN ACTION FOR
31 WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES FOR INJURIES
32 TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR
33 PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE
34 COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION
35 THEREFOR SHALL HAVE ACCRUED.

36 S 21. Subdivision 1 of section 1109 of the public authorities law, as
37 amended by chapter 804 of the laws of 1990, is amended to read as
38 follows:

39 1. In any case founded upon tort a notice of claim shall be required
40 as a condition precedent to the commencement of an action or special
41 proceeding against the authority or any officer, appointee or employee
42 thereof, and the provisions of section fifty-e of the general municipal
43 law shall govern the giving of such notice. EXCEPT IN AN ACTION FOR
44 WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES FOR INJURIES
45 TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR
46 PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE
47 COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION
48 THEREFOR SHALL HAVE ACCRUED.

49 S 22. Subdivision 1 of section 1115-u of the public authorities law,
50 as amended by chapter 804 of the laws of 1990, is amended to read as
51 follows:

52 1. Except in an action for wrongful death, no action or proceeding
53 shall be prosecuted or maintained against the authority or the water
54 board for personal injury or damage to real or personal property alleged
55 to have been sustained by reason of the negligence or wrongful act of
56 the authority or the water board or of any member, officer, agent or

1 employee thereof, unless (a) a notice of claim shall have been made and
2 served upon the authority or the water board, as the case may be, within
3 the time limit by and in compliance with section fifty-e of the general
4 municipal law, (b) it shall appear by and as an allegation in the
5 complaint or moving papers that at least thirty days have elapsed since
6 the service of such notice and that adjustment or payment thereof has
7 been neglected or refused, and (c) the action or proceeding shall be
8 commenced within one year AND NINETY DAYS after the happening of the
9 event upon which the claim is based. An action against the authority or
10 water board for wrongful death shall be commenced in accordance with the
11 notice of claim and time limitation provisions of title eleven of arti-
12 cle nine of this chapter.

13 S 23. Subdivision 1 of section 1169 of the public authorities law, as
14 amended by chapter 804 of the laws of 1990, is amended to read as
15 follows:

16 1. In any case founded upon tort a notice of claim shall be required
17 as a condition precedent to the commencement of an action or special
18 proceeding against the authority or any officer, appointee or employee
19 thereof, and the provisions of section fifty-e of the general municipal
20 law shall govern the giving of such notice. EXCEPT IN AN ACTION FOR
21 WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES FOR INJURIES
22 TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR
23 PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE
24 COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION
25 THEREFOR SHALL HAVE ACCRUED.

26 S 24. Subdivision 1 of section 1174-o of the public authorities law,
27 as added by chapter 491 of the laws of 1991, is amended to read as
28 follows:

29 1. No action or proceeding shall be prosecuted or maintained against
30 the authority for personal injury or damage to real or personal property
31 alleged to have been sustained by reason of the negligence or wrongful
32 act of the authority or any member, officer, agent or employee thereof,
33 unless:

34 (a) a notice of claim shall have been made and served upon the author-
35 ity within the time limit by and in compliance with section fifty-e of
36 the general municipal law,

37 (b) it shall appear by and as an allegation in the complaint or moving
38 papers that at least thirty days have elapsed since the service of such
39 notice and that adjustment or payment thereof has been neglected or
40 refused, and

41 (c) the action or proceeding shall be commenced within one year AND
42 NINETY DAYS after the [happening of the event upon which the claim is
43 based] CAUSE OF ACTION THEREFOR SHALL HAVE ACCRUED.

44 S 25. Subdivision 1 of section 1197-n of the public authorities law,
45 as amended by chapter 804 of the laws of 1990, is amended to read as
46 follows:

47 1. Except in an action for wrongful death, no action or proceeding
48 shall be prosecuted or maintained against the authority for personal
49 injury or damage to real or personal property alleged to have been
50 sustained by reason of the negligence or wrongful act of the authority
51 or any member, officer, agent or employee thereof, unless:

52 (a) a notice of claim shall have been made and served upon the author-
53 ity within the time limit by and in compliance with section fifty-e of
54 the general municipal law,

55 (b) it shall appear by and as an allegation in the complaint or moving
56 papers that at least thirty days have elapsed since the service of such

1 notice and that adjustment or payment thereof has been neglected or
2 refused,

3 (c) the action or proceeding shall be commenced within one year AND
4 NINETY DAYS after the happening of the event upon which the claim is
5 based, and

6 (d) An action against the authority for wrongful death shall be
7 commenced in accordance with the notice of claim and time limitation
8 provisions of title eleven of article nine of this chapter.

9 S 26. Subdivision 1 of section 1198-o of the public authorities law,
10 as added by chapter 868 of the laws of 1990, is amended to read as
11 follows:

12 1. No action or proceeding shall be prosecuted or maintained against
13 the authority for personal injury or damage to real or personal property
14 alleged to have been sustained by reason of the negligence or wrongful
15 act of the authority or any member, officer, agent or employee thereof,
16 unless:

17 (a) a notice of claim shall have been made and served upon the author-
18 ity within the time limit by and in compliance with section fifty-e of
19 the general municipal law,

20 (b) it shall appear by and as an allegation in the complaint or moving
21 papers that at least thirty days have elapsed since the service of such
22 notice and that adjustment or payment thereof has been neglected or
23 refused, and

24 (c) the action or proceeding shall be commenced within one year AND
25 NINETY DAYS after the happening of the event upon which the claim is
26 based.

27 S 27. Subdivision 2 of section 1276 of the public authorities law, as
28 amended by chapter 804 of the laws of 1990, is amended to read as
29 follows:

30 2. An action against the authority founded on tort, except an action
31 for wrongful death, shall not be commenced more than one year AND NINETY
32 DAYS after the cause of action therefor shall have accrued, nor unless a
33 notice of claim shall have been served on the authority within the time
34 limited by and in compliance with all the requirements of section
35 fifty-e of the general municipal law. An action against the authority
36 for wrongful death shall be commenced in accordance with the notice of
37 claim and time limitation provisions of title eleven of article nine of
38 this chapter.

39 S 28. Subdivision 2 of section 1297 of the public authorities law, as
40 amended by chapter 804 of the laws of 1990, is amended to read as
41 follows:

42 2. An action against the corporation founded on tort, except an action
43 for wrongful death, shall not be commenced more than one year AND NINETY
44 DAYS after the cause of action therefor shall have accrued, nor unless a
45 notice of claim shall have been served on the corporation within the
46 time limited by and in compliance with all the requirements of section
47 fifty-e of the general municipal law. An action against the corporation
48 for wrongful death shall be commenced in accordance with the notice of
49 claim and time limitation provisions of title eleven of article nine of
50 this chapter.

51 S 29. Subdivision 2 of section 1299-p of the public authorities law,
52 as amended by chapter 804 of the laws of 1990, is amended to read as
53 follows:

54 2. An action against the authority founded on tort, except an action
55 for wrongful death, shall not be commenced more than one year AND NINETY
56 DAYS after the cause of action therefor shall have accrued, nor unless a

notice of claim shall have been served on the authority within the time limited by and in compliance with all the requirements of section fifty-e of the general municipal law. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

S 30. Subdivision 2 of section 1299-rr of the public authorities law, as amended by chapter 804 of the laws of 1990, is amended to read as follows:

2. An action against the authority founded on tort, except an action for wrongful death, shall not be commenced more than one year AND NINETY DAYS after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been served on the authority within the time limited by and in compliance with all the requirements of section fifty-e of the general municipal law. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

S 31. Subdivision 2 of section 1317 of the public authorities law, as amended by chapter 804 of the laws of 1990, is amended to read as follows:

2. An action against the authority founded on tort, except an action for wrongful death, shall not be commenced more than one year AND NINETY DAYS after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been served on the authority within the time limited by and in compliance with all the requirements of section fifty-e of the general municipal law. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

S 32. Subdivision 2 of section 1342 of the public authorities law, as amended by chapter 804 of the laws of 1990, is amended to read as follows:

2. An action against the authority founded on tort, except an action for wrongful death, shall not be commenced more than one year AND NINETY DAYS after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been served on the authority within the time limited by and in compliance with all the requirements of section fifty-e of the general municipal law. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

S 33. Section 1372 of the public authorities law, as amended by chapter 804 of the laws of 1990, is amended to read as follows:

S 1372. Actions against authority. In any case founded upon a tort, except an action for wrongful death, a notice of claim shall be required as a condition precedent to the commencement of an action or special proceeding against the authority and the provisions of section fifty-e of the general municipal law shall apply. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter. EXCEPT IN AN ACTION FOR WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES FOR INJURIES TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION THEREFOR SHALL HAVE ACCRUED.

1 S 34. Section 1397 of the public authorities law, as added by chapter
2 647 of the laws of 1958, is amended to read as follows:

3 S 1397. Actions against authority. In any case founded upon a tort a
4 notice of claim shall be required as a condition precedent to the
5 commencement of an action or special proceeding against the authority
6 and the provisions of section fifty-e of the general municipal law shall
7 apply. EXCEPT IN AN ACTION FOR WRONGFUL DEATH, AN ACTION AGAINST THE
8 AUTHORITY FOR DAMAGES FOR INJURIES TO REAL OR PERSONAL PROPERTY, OR FOR
9 THE DESTRUCTION THEREOF, OR FOR PERSONAL INJURIES, ALLEGED TO HAVE BEEN
10 SUSTAINED, SHALL NOT BE COMMENCED MORE THAN ONE YEAR AND NINETY DAYS
11 AFTER THE CAUSE OF ACTION THEREFOR SHALL HAVE ACCRUED.

12 S 35. Subdivision 2 of section 1416 of the public authorities law, as
13 amended by chapter 804 of the laws of 1990, is amended to read as
14 follows:

15 2. Except in an action for wrongful death, an action against the
16 authority for damages for injuries to real or personal property, or for
17 the destruction thereof, or for personal injuries, alleged to have been
18 sustained, shall not be commenced more than one year AND NINETY DAYS
19 after the cause of action therefor shall have accrued, nor unless a
20 notice of [intention to commence such action and of the time when and
21 place where the damages or personal injuries were incurred or sustained,
22 together with a verified statement showing in detail the property
23 alleged to have been damaged or destroyed and the value thereof, or the
24 personal injuries alleged to have been sustained and by whom, shall have
25 been filed with the secretary of the authority in the principal office
26 of the authority within six months after such cause of action shall have
27 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
28 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
29 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
30 for wrongful death shall be commenced in accordance with the notice of
31 claim and time limitation provisions of title eleven of article nine of
32 this chapter.

33 S 36. Subdivision 2 of section 1420-r of the public authorities law,
34 as amended by chapter 804 of the laws of 1990, is amended to read as
35 follows:

36 2. Except in an action for wrongful death, an action against the
37 authority for damages for injuries to real or personal property, or for
38 the destruction thereof, or for personal injuries, alleged to have been
39 sustained, shall not be commenced more than one year AND NINETY DAYS
40 after the cause of action therefor shall have accrued, nor unless a
41 notice of [intention to commence such an action and of the time when and
42 place where the damages or personal injuries were incurred or sustained,
43 together with a verified statement showing in detail the property
44 alleged to have been damaged or destroyed and the value thereof, or the
45 personal injuries alleged to have been sustained and by whom, shall have
46 been filed with the secretary of the authority in the principal office
47 of the authority within six months after such cause of action shall have
48 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
49 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
50 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
51 for wrongful death shall be commenced in accordance with the notice of
52 claim and time limitation provisions of title eleven of article nine of
53 this chapter.

54 S 37. Subdivision 2 of section 1421-p of the public authorities law,
55 as amended by chapter 804 of the laws of 1990, is amended to read as
56 follows:

1 2. Except in an action for wrongful death, an action against the
2 authority for damages for injuries to real or personal property, or for
3 the destruction thereof, or for personal injuries, alleged to have been
4 sustained, shall not be commenced more than one year AND NINETY DAYS
5 after the cause of action therefor shall have accrued, nor unless a
6 notice of [intention to commence such action and of the time when and
7 place where the damages or personal injuries were incurred or sustained,
8 together with a verified statement showing in detail the property
9 alleged to have been damaged or destroyed and the value thereof, or the
10 personal injuries alleged to have been sustained and by whom, shall have
11 been filed with the secretary of the authority in the principal office
12 of the authority within six months after such cause of action shall have
13 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
14 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
15 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
16 for wrongful death shall be commenced in accordance with the notice of
17 claim and time limitation provisions of title eleven of article nine of
18 this chapter.

19 S 38. Subdivision 2 of section 1425-q of the public authorities law,
20 as added by chapter 617 of the laws of 1972, is amended to read as
21 follows:

22 2. An action against the authority for damages for injuries to real or
23 personal property, or for the destruction thereof, or for personal inju-
24 ries or death, alleged to have been sustained, shall not be commenced
25 more than one year AND NINETY DAYS after the cause of action therefor
26 shall have accrued, nor unless a notice of [intention to commence such
27 action and of the time when and place where the damages or personal
28 injuries or death were incurred or sustained, together with a verified
29 statement showing in detail the property alleged to have been damaged or
30 destroyed and the value thereof, or the personal injuries alleged to
31 have been sustained and by whom, shall have been filed with the secre-
32 tary of the authority in the principal office of the authority within
33 six months after such cause of action shall have accrued] CLAIM SHALL
34 HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME LIMIT ESTABLISHED BY,
35 AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION FIFTY-E OF THE GENER-
36 AL MUNICIPAL LAW.

37 S 39. Subdivision 2 of section 1440 of the public authorities law, as
38 amended by chapter 804 of the laws of 1990, is amended to read as
39 follows:

40 2. Except in an action for wrongful death, an action against the
41 authority for damages for injuries to real or personal property, or for
42 the destruction thereof, or for personal injuries, alleged to have been
43 sustained, shall not be commenced more than one year AND NINETY DAYS
44 after the cause of action therefor shall have accrued, nor unless a
45 notice of [intention to commence such action and of the time when and
46 place where the damages or personal injuries were incurred or sustained,
47 together with a verified statement showing in detail the property
48 alleged to have been damaged or destroyed and the value thereof, or the
49 personal injuries alleged to have been sustained and by whom, shall have
50 been filed with the secretary of the authority in the principal office
51 of the authority within six months after such cause of action shall have
52 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
53 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
54 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
55 for wrongful death shall be commenced in accordance with the notice of

1 claim and time limitation provisions of title eleven of article nine of
2 this chapter.

3 S 40. Subdivision 2 of section 1466 of the public authorities law, as
4 added by chapter 637 of the laws of 1948 and such section as renumbered
5 by chapter 914 of the laws of 1957, is amended to read as follows:

6 2. An action against the authority for damages for injuries to real or
7 personal property, or for the destruction thereof, or for personal inju-
8 ries or death, alleged to have been sustained, shall not be commenced
9 more than one year AND NINETY DAYS after the cause of action therefor
10 shall have accrued, nor unless a notice of [intention to commence such
11 action and of the time when and place where the damages or personal
12 injuries or death were incurred or sustained, together with a verified
13 statement showing in detail the property alleged to have been damaged or
14 destroyed and the value thereof, or the personal injuries alleged to
15 have been sustained and by whom, shall have been filed with the secre-
16 tary of the authority in the principal office of the authority within
17 six months after such cause of action shall have accrued] CLAIM SHALL
18 HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME LIMIT ESTABLISHED BY,
19 AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION FIFTY-E OF THE GENER-
20 AL MUNICIPAL LAW.

21 S 41. Subdivision 2 of section 1470-p of the public authorities law,
22 as amended by chapter 804 of the laws of 1990, is amended to read as
23 follows:

24 2. Except in an action for wrongful death, an action against the
25 authority for damages for injuries to real or personal property, or for
26 the destruction thereof, or for personal injuries, alleged to have been
27 sustained, shall not be commenced more than one year AND NINETY DAYS
28 after the cause of action therefor shall have accrued, nor unless a
29 notice of [intention to commence such an action and of the time when and
30 place where the damages or personal injuries were incurred or sustained,
31 together with a verified statement showing in detail the property
32 alleged to have been damaged or destroyed and the value thereof, or the
33 personal injuries alleged to have been sustained and by whom, shall have
34 been filed with the secretary of the authority in the principal office
35 of the authority within six months after such cause of action shall have
36 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
37 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
38 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
39 for wrongful death shall be commenced in accordance with the notice of
40 claim and time limitation provisions of title eleven of article nine of
41 this chapter.

42 S 42. Subdivision 2 of section 1493-q of the public authorities law,
43 as amended by chapter 804 of the laws of 1990, is amended to read as
44 follows:

45 2. Except in an action for wrongful death, an action against the
46 authority for damages for injuries to real or personal property, or for
47 the destruction thereof, or for personal injuries, alleged to have been
48 sustained, shall not be commenced more than one year AND NINETY DAYS
49 after the cause of action therefor shall have accrued, nor unless a
50 notice of [intention to commence such action and of the time when and
51 place where the damages or personal injuries were incurred or sustained,
52 together with a verified statement showing in detail the property
53 alleged to have been damaged or destroyed and the value thereof, or the
54 personal injuries alleged to have been sustained and by whom, shall have
55 been filed with the secretary of the authority in the principal office
56 of the authority within six months after such cause of action shall have

1 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
2 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
3 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
4 for wrongful death shall be commenced in accordance with the notice of
5 claim and time limitation provisions of title eleven of article nine of
6 this chapter.

7 S 43. Subdivision 2 of section 1516 of the public authorities law, as
8 amended by chapter 804 of the laws of 1990, is amended to read as
9 follows:

10 2. Except in an action for wrongful death, an action against the
11 authority for damages for injuries to real or personal property, or for
12 the destruction thereof, or for personal injuries, alleged to have been
13 sustained, shall not be commenced more than one year AND NINETY DAYS
14 after the cause of action therefor shall have accrued, nor unless a
15 notice of [intention to commence such action and of the time when and
16 place where the damages or personal injuries were incurred or sustained,
17 together with a verified statement showing in detail the property
18 alleged to have been damaged or destroyed and the value thereof, or the
19 personal injuries alleged to have been sustained and by whom, shall have
20 been filed with the secretary of the authority in the principal office
21 of the authority within six months after such cause of action shall have
22 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
23 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
24 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
25 for wrongful death shall be commenced in accordance with the notice of
26 claim and time limitation provisions of title eleven of article nine of
27 this chapter.

28 S 44. Subdivision 2 of section 1541 of the public authorities law, as
29 amended by chapter 804 of the laws of 1990, is amended to read as
30 follows:

31 2. Except in an action for wrongful death, an action against the
32 authority for damages for injuries to real or personal property, or for
33 the destruction thereof, or for personal injuries, alleged to have been
34 sustained, shall not be commenced more than one year AND NINETY DAYS
35 after the cause of action therefor shall have accrued, nor unless a
36 notice of [intention to commence such action and of the time when and
37 place where the damages or personal injuries were incurred or sustained,
38 together with a verified statement showing in detail the property
39 alleged to have been damaged or destroyed and the value thereof, or the
40 personal injuries alleged to have been sustained and by whom, shall have
41 been filed with the secretary of the authority in the principal office
42 of the authority within six months after such cause of action shall have
43 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
44 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
45 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
46 for wrongful death shall be commenced in accordance with the notice of
47 claim and time limitation provisions of title eleven of article nine of
48 this chapter.

49 S 45. Subdivision 2 of section 1585-q of the public authorities law,
50 as amended by chapter 804 of the laws of 1990, is amended to read as
51 follows:

52 2. Except in an action for wrongful death, an action against the
53 authority for damages for injuries to real or personal property, or for
54 the destruction thereof, or for personal injuries, alleged to have been
55 sustained, shall not be commenced more than one year AND NINETY DAYS
56 after the cause of action therefor shall have accrued, nor unless a

1 notice of [intention to commence such action and of the time when and
2 place where damages or personal injuries were incurred or sustained,
3 together with a verified statement showing in detail the property
4 alleged to have been damaged or destroyed and the value thereof, or the
5 personal injuries alleged to have been sustained and by whom, shall have
6 been filed with the secretary of the authority in the principal office
7 of the authority within six months after such cause of action shall have
8 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
9 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
10 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
11 for wrongful death shall be commenced in accordance with the notice of
12 claim and time limitation provisions of title eleven of article nine of
13 this chapter.

14 S 46. Subdivision 2 of section 1590-q of the public authorities law,
15 as amended by chapter 804 of the laws of 1990, is amended to read as
16 follows:

17 2. Except in an action for wrongful death, an action against the
18 authority for damages for injuries to real or personal property, or for
19 the destruction thereof, or for personal injuries, alleged to have been
20 sustained, shall not be commenced more than one year AND NINETY DAYS
21 after the cause of action therefor shall have accrued, nor unless a
22 notice of [intention to commence such action and of the time when and
23 place where the damages or personal injuries were incurred or sustained,
24 together with a verified statement showing in detail the property
25 alleged to have been damaged or destroyed and the value thereof, or the
26 personal injuries alleged to have been sustained and by whom, shall have
27 been filed with the secretary of the authority in the principal office
28 of the authority within six months after such cause of action shall have
29 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
30 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
31 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
32 for wrongful death shall be commenced in accordance with the notice of
33 claim and time limitation provisions of title eleven of article nine of
34 this chapter.

35 S 47. Subdivision 2 of section 1595-q of the public authorities law,
36 as added by chapter 1024 of the laws of 1968, is amended to read as
37 follows:

38 2. An action against the authority for damages, for injuries to real
39 or personal property, or for the destruction thereof, or for personal
40 injuries or death, alleged to have been sustained, shall not be
41 commenced more than one year AND NINETY DAYS after the cause of action
42 therefor shall have accrued, nor unless a notice of [intention to
43 commence such action and of the time when and place where the damages or
44 personal injuries or death were incurred or sustained, together with a
45 verified statement showing in detail the property alleged to have been
46 damaged or destroyed and the value thereof, or the personal injuries
47 alleged to have been sustained and by whom, shall have been filed with
48 the secretary of the authority in the principal office of the authority
49 within six months after such cause of action shall have accrued] CLAIM
50 SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME LIMIT ESTAB-
51 LISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION FIFTY-E OF
52 THE GENERAL MUNICIPAL LAW.

53 S 48. Subdivision 2 of section 1596-p of the public authorities law,
54 as amended by chapter 804 of the laws of 1990, is amended to read as
55 follows:

1 2. Except in an action for wrongful death, an action against the
2 authority for damages for injuries to real or personal property, or for
3 the destruction thereof, or for personal injuries, alleged to have been
4 sustained, shall not be commenced more than one year AND NINETY DAYS
5 after the cause of action therefor shall have accrued, nor unless a
6 notice of [intention to commence such an action and of the time when and
7 place where the damages or personal injuries were incurred or sustained,
8 together with a verified statement showing in detail the property
9 alleged to have been damaged or destroyed and the value thereof, or the
10 personal injuries alleged to have been sustained and by whom, shall have
11 been filed with the secretary of the authority in the principal office
12 of the authority within six months after such cause of action shall have
13 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
14 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
15 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
16 for wrongful death shall be commenced in accordance with the notice of
17 claim and time limitation provisions of title eleven of article nine of
18 this chapter.

19 S 49. Subdivision 2 of section 1597-p of the public authorities law,
20 as amended by chapter 804 of the laws of 1990, is amended to read as
21 follows:

22 2. Except in an action for wrongful death, an action against the
23 authority for damages for injuries to real or personal property, or for
24 the destruction thereof, or for personal injuries, alleged to have been
25 sustained, shall not be commenced more than one year AND NINETY DAYS
26 after the cause of action therefor shall have accrued, nor unless a
27 notice of [intention to commence such an action and of the time when and
28 place where the damages or personal injuries were incurred or sustained,
29 together with a verified statement showing in detail the property
30 alleged to have been damaged or destroyed and the value thereof, or the
31 personal injuries alleged to have been sustained and by whom, shall have
32 been filed with the secretary of the authority in the principal office
33 of the authority within six months after such cause of action shall have
34 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
35 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
36 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
37 for wrongful death shall be commenced in accordance with the notice of
38 claim and time limitation provisions of title eleven of article nine of
39 this chapter.

40 S 50. Subdivision 2 of section 1598-p of the public authorities law,
41 as amended by chapter 804 of the laws of 1990, is amended to read as
42 follows:

43 2. Except in an action for wrongful death, an action against the
44 authority for damages for injuries to real or personal property, or for
45 the destruction thereof, or for personal injuries, alleged to have been
46 sustained, shall not be commenced more than one year AND NINETY DAYS
47 after the cause of action therefor shall have accrued, nor unless a
48 notice of [intention to commence such action and of the time when and
49 place where the damages or personal injuries were incurred or sustained,
50 together with a verified statement showing in detail the property
51 alleged to have been damaged or destroyed and the value thereof, or the
52 personal injuries alleged to have been sustained and by whom, shall have
53 been filed with the secretary of the authority in the principal office
54 of the authority within six months after such cause of action shall have
55 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
56 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION

1 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
2 for wrongful death shall be commenced in accordance with the notice of
3 claim and time limitation provisions of title eleven of article nine of
4 this chapter.

5 S 51. Subdivision (b) of section 1599-qq of the public authorities
6 law, as amended by chapter 804 of the laws of 1990, is amended to read
7 as follows:

8 (b) Except in an action for wrongful death, an action against the
9 authority for damages for injuries to real or personal property, or for
10 the destruction thereof, or for personal injuries, alleged to have been
11 sustained, shall not be commenced more than one year AND NINETY DAYS
12 after the cause of action therefor shall have accrued, nor unless a
13 notice of [intention to commence such action and of the time when and
14 place where the damages or personal injuries were incurred or sustained,
15 together with a verified statement showing in detail the property
16 alleged to have been damaged or destroyed and the value thereof, or the
17 personal injuries alleged to have been sustained and by whom, shall have
18 been filed with the secretary of the authority in the principal office
19 of the authority within six months after such cause of action shall have
20 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
21 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
22 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
23 for wrongful death shall be commenced in accordance with the notice of
24 claim and time limitation provisions of title eleven of article nine of
25 this chapter.

26 S 52. Subdivision 2 of section 1599-qqqq of the public authorities
27 law, as amended by chapter 804 of the laws of 1990, is amended to read
28 as follows:

29 2. Except in an action for wrongful death, an action against the
30 authority for damages for injuries to real or personal property, or for
31 the destruction thereof, or for personal injuries, alleged to have been
32 sustained, shall not be commenced more than one year AND NINETY DAYS
33 after the cause of action therefor shall have accrued, nor unless a
34 notice of [intention to commence such an action and of the time when and
35 place where the damages or personal injuries were incurred or sustained,
36 together with a verified statement showing in detail the property
37 alleged to have been damaged or destroyed and the value thereof, or the
38 personal injuries alleged to have been sustained and by whom, shall have
39 been filed with the secretary of the authority in the principal office
40 of the authority within six months after such cause of action shall have
41 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
42 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
43 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
44 for wrongful death shall be commenced in accordance with the notice of
45 claim and time limitation provisions of title eleven of article nine of
46 this chapter.

47 S 53. Subdivision 2 of section 1600-qq of the public authorities law,
48 as amended by chapter 804 of the laws of 1990, is amended to read as
49 follows:

50 2. Except in an action for wrongful death, an action against the
51 authority for damages for injuries to real or personal property, or for
52 the destruction thereof, or for personal injuries, alleged to have been
53 sustained, shall not be commenced more than one year AND NINETY DAYS
54 after the cause of action therefor shall have accrued, nor unless a
55 notice of [intention to commence such action and of the time when and
56 place where the damages or personal injuries were incurred or sustained,

1 together with a verified statement showing in detail the property
2 alleged to have been damaged or destroyed and the value thereof, or the
3 personal injuries alleged to have been sustained and by whom, shall have
4 been filed with the secretary of the authority in the principal office
5 of the authority within six months after such cause of action shall have
6 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
7 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
8 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
9 for wrongful death shall be commenced in accordance with the notice of
10 claim and time limitation provisions of title eleven of article nine of
11 this chapter.

12 S 54. Subdivision 2 of section 1617 of the public authorities law, as
13 amended by chapter 804 of the laws of 1990, is amended to read as
14 follows:

15 2. Except in an action for wrongful death, an action against the
16 authority for damages for injuries to real or personal property, or for
17 the destruction thereof, or for personal injuries, alleged to have been
18 sustained, shall not be commenced more than one year AND NINETY DAYS
19 after the cause of action therefor shall have accrued, nor unless a
20 notice of [intention to commence such action and of the time when and
21 place where the damages or personal injuries were incurred or sustained,
22 together with a verified statement showing in detail the property
23 alleged to have been damaged or destroyed and the value thereof, or the
24 personal injuries alleged to have been sustained and by whom, shall have
25 been filed with the secretary of the authority in the principal office
26 of the authority within six months after such cause of action shall have
27 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
28 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
29 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
30 for wrongful death shall be commenced in accordance with the notice of
31 claim and time limitation provisions of title eleven of article nine of
32 this chapter.

33 S 55. Subdivision 2 of section 1621-q of the public authorities law,
34 as amended by chapter 804 of the laws of 1990, is amended to read as
35 follows:

36 2. Except in an action for wrongful death, an action against the
37 authority for damages for injuries to real or personal property, or for
38 the destruction thereof, or for personal injuries, alleged to have been
39 sustained, shall not be commenced more than one year AND NINETY DAYS
40 after the cause of action therefor shall have accrued, nor unless a
41 notice of [intention to commence such action and of the time when and
42 place where the damages or personal injuries were incurred or sustained,
43 together with a verified statement showing in detail the property
44 alleged to have been damaged or destroyed and the value thereof, or the
45 personal injuries alleged to have been sustained and by whom, shall have
46 been filed with the secretary of the authority in the principal office
47 of the authority within six months after such cause of action shall have
48 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
49 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
50 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
51 for wrongful death shall be commenced in accordance with the notice of
52 claim and time limitation provisions of title eleven of article nine of
53 this chapter.

54 S 56. Subdivision 2 of section 1622-q of the public authorities law,
55 as added by chapter 489 of the laws of 1991, is amended to read as
56 follows:

1 2. Except in an action for wrongful death, an action against the
2 authority for damages for injuries to real or personal property, or for
3 the destruction thereof, or for personal injuries, alleged to have been
4 sustained, shall not be commenced more than one year AND NINETY DAYS
5 after the cause of action therefor shall have accrued, nor unless a
6 notice of [intention to commence such an action and of the time when and
7 place where the damages or personal injuries were incurred or sustained,
8 together with a verified statement showing in detail the property
9 alleged to have been damaged or destroyed and the value thereof, or the
10 personal injuries alleged to have been sustained and by whom, shall have
11 been filed with the secretary of the authority in the principal office
12 of the authority within six months after such cause of action shall have
13 accrued] CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME
14 LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
15 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the authority
16 for wrongful death shall be commenced in accordance with the notice of
17 claim and time limitation provisions of title eleven of article nine of
18 this chapter.

19 S 57. Subdivision 2 of section 1777 of the public authorities law, as
20 amended by chapter 804 of the laws of 1990, is amended to read as
21 follows:

22 2. Except in an action for wrongful death, in a case founded upon a
23 tort, a notice of claim shall be required as a condition precedent to
24 the commencement of an action or special proceeding against the authori-
25 ty or an officer, appointee or employee thereof, and the provisions of
26 section fifty-e of the general municipal law shall govern the giving of
27 such notice. No action shall be commenced more than one year AND NINETY
28 DAYS after the cause of action therefor shall have accrued, except in an
29 action for wrongful death, which shall be commenced in accordance with
30 the notice of claim and time limitation provisions of title eleven of
31 article nine of this chapter.

32 S 58. Subdivision 2 of section 1918 of the public authorities law, as
33 amended by chapter 804 of the laws of 1990, is amended to read as
34 follows:

35 2. Except in an action for wrongful death, an action against the
36 authority founded on tort shall not be commenced more than one year AND
37 NINETY DAYS after the cause of action therefor shall have accrued, nor
38 unless a notice of claim shall have been served on the authority within
39 the time limited by, and in compliance with all the requirements of
40 section fifty-e of the general municipal law. An action against the
41 authority for wrongful death shall be commenced in accordance with the
42 notice of claim and time limitation provisions of title eleven of arti-
43 cle nine of this chapter.

44 S 59. Subdivision 2 of section 1939-g of the public authorities law,
45 as amended by chapter 804 of the laws of 1990, is amended to read as
46 follows:

47 2. Except in an action for wrongful death, an action against the
48 authority founded in tort shall not be commenced more than one year AND
49 NINETY DAYS after the cause of action therefor shall have accrued, nor
50 unless a notice of claim shall have been served on the authority within
51 the time limited by, and in compliance with all the requirements of
52 section fifty-e of the general municipal law. An action against the
53 authority for wrongful death shall be commenced in accordance with the
54 notice of claim and time limitation provisions of title eleven of arti-
55 cle nine of this chapter.

1 S 60. Subdivision 2 of section 1966 of the public authorities law, as
2 added by chapter 759 of the laws of 1967, is amended to read as follows:

3 2. In a case founded upon tort, a notice of claim shall be required as
4 a condition precedent to the commencement of an action or special
5 proceeding against the authority or an officer, appointee or employee
6 thereof, and the provisions of section fifty-e of the general municipal
7 law shall govern the giving of such notice. No action shall be commenced
8 more than one year AND NINETY DAYS after the cause of action therefor
9 shall have accrued.

10 S 61. Section 1984 of the public authorities law, as amended by chap-
11 ter 804 of the laws of 1990, is amended to read as follows:

12 S 1984. Actions. In any case founded upon tort a notice of claim shall
13 be required as a condition precedent to the commencement of an action or
14 special proceeding against the authority or any officer, appointee or
15 employee thereof, and the provisions of section fifty-e of the general
16 municipal law shall govern the giving of such notice. An action against
17 the authority for wrongful death shall be commenced in accordance with
18 the notice of claim and time limitation provisions of title eleven of
19 article nine of this chapter. EXCEPT IN AN ACTION FOR WRONGFUL DEATH,
20 AN ACTION AGAINST THE AUTHORITY FOR DAMAGES FOR INJURIES TO REAL OR
21 PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR PERSONAL INJU-
22 RIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE COMMENCED MORE THAN
23 ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION THEREFOR SHALL HAVE
24 ACCRUED.

25 S 62. Section 2032 of the public authorities law, as added by chapter
26 745 of the laws of 1969, is amended to read as follows:

27 S 2032. Actions. In any case founded upon tort a notice of claim shall
28 be required as a condition precedent to the commencement of an action or
29 special proceeding against the authority or any officer, appointee or
30 employee thereof, and the provisions of section fifty-e of the general
31 municipal law shall govern the giving of such notice. EXCEPT IN AN
32 ACTION FOR WRONGFUL DEATH, AN ACTION AGAINST THE AUTHORITY FOR DAMAGES
33 FOR INJURIES TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THERE-
34 OF, OR FOR PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT
35 BE COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF
36 ACTION THEREFOR SHALL HAVE ACCRUED.

37 S 63. Subdivision 2 of section 2040-i of the public authorities law,
38 as amended by chapter 804 of the laws of 1990, is amended to read as
39 follows:

40 2. Except in an action for wrongful death, an action against the
41 authority founded on tort shall not be commenced more than one year AND
42 NINETY DAYS after the cause of action therefor shall have accrued, nor
43 unless a notice of claim shall have been served on the authority within
44 the time limited by and in compliance with all the requirements of
45 section fifty-e of the general municipal law. An action against the
46 authority for wrongful death shall be commenced in accordance with the
47 notice of claim and time limitation provisions of title eleven of arti-
48 cle nine of this chapter.

49 S 64. Subdivision 2 of section 2046-i of the public authorities law,
50 as amended by chapter 804 of the laws of 1990, is amended to read as
51 follows:

52 2. Except in an action for wrongful death, an action against the agen-
53 cy founded on tort shall not be commenced more than one year AND NINETY
54 DAYS after the cause of action therefor shall have accrued, nor unless a
55 notice of claim shall have been served on the agency within the time
56 limited by and in compliance with all the requirements of section

1 fifty-e of the general municipal law. An action against the agency for
2 wrongful death shall be commenced in accordance with the notice of claim
3 and time limitation provisions of title eleven of article nine of this
4 chapter.

5 S 65. Subdivision b of section 2087 of the public authorities law, as
6 amended by chapter 804 of the laws of 1990, is amended to read as
7 follows:

8 b. Except in an action for wrongful death, an action against the
9 authority founded in tort shall not be commenced more than one year AND
10 NINETY DAYS after the cause of action therefor shall have accrued, nor
11 unless a notice of claim shall have been served on the authority within
12 the time limited by, and in compliance with all the requirements of
13 section fifty-e of the general municipal law. An action against the
14 authority for wrongful death shall be commenced in accordance with the
15 notice of claim and time limitation provisions of title eleven of arti-
16 cle nine of this chapter.

17 S 66. Subdivision 2 of section 2332 of the public authorities law, as
18 added by chapter 915 of the laws of 1969, is amended to read as follows:

19 2. In a case founded upon tort, a notice of claim shall be required as
20 a condition precedent to the commencement of an action or special
21 proceeding against the authority or an officer, appointee or employee
22 thereof, and the provisions of section fifty-e of the general municipal
23 law shall govern the giving of such notice. No action shall be commenced
24 more than one year AND NINETY DAYS after the cause of action therefor
25 shall have accrued.

26 S 67. Section 2416 of the public authorities law, as added by chapter
27 612 of the laws of 1970, the closing paragraph as amended by chapter 804
28 of the laws of 1990, is amended to read as follows:

29 S 2416. Actions. In any case founded upon tort a notice of claim shall
30 be required as a condition precedent to the commencement of an action or
31 special proceeding against the agency or any officer, appointee or
32 employee thereof, and the provisions of section fifty-e of the general
33 municipal law shall govern the giving of such notice.

34 Except in an action for wrongful death, no action shall be commenced
35 (a) prior to the expiration of thirty days from the date on which the
36 demand, claim or claims upon which the action is founded were presented
37 to a director of the agency or other officer thereof designated for such
38 purpose nor (b) more than one year AND NINETY DAYS after the cause of
39 action therefor shall have accrued. An action against the agency for
40 wrongful death shall be commenced in accordance with the notice of claim
41 and time limitation provisions of title eleven of article nine of this
42 chapter.

43 S 68. Section 2447 of the public authorities law, as added by chapter
44 902 of the laws of 1972, the closing paragraph as amended by chapter 804
45 of the laws of 1990, is amended to read as follows:

46 S 2447. Actions. In any case founded upon tort a notice of claim shall
47 be required as a condition precedent to the commencement of an action or
48 special proceeding against the agency or any officer, appointee or
49 employee thereof, and the provisions of section fifty-e of the general
50 municipal law shall govern the giving of such notice.

51 Except in an action for wrongful death, no action shall be commenced
52 (a) prior to the expiration of thirty days from the date on which the
53 demand, claim or claims upon which the action is founded were presented
54 to a director of the agency or other officer thereof designated for such
55 purpose nor (b) more than one year AND NINETY DAYS after the cause of
56 action therefor shall have accrued. An action against the agency for

wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

S 69. Section 2570 of the public authorities law, as amended by chapter 804 of the laws of 1990, is amended to read as follows:

S 2570. Actions. A notice of claim, served in accordance with the provisions of section fifty-e of the general municipal law, shall be a condition precedent to the commencement of an action against the corporation, its directors, officers, employees or agents. No such action shall be commenced more than one year AND NINETY DAYS after it has accrued, except that an action against the corporation for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

S 70. Subdivision 2 of section 2638 of the public authorities law, as amended by chapter 804 of the laws of 1990, is amended to read as follows:

2. In a case founded upon tort, a notice of claim shall be required as a condition precedent to the commencement of an action or special proceeding against the commission or an officer, appointee or employee thereof, and the provisions of section fifty-e of the general municipal law shall govern the giving of such notice. No action shall be commenced more than one year AND NINETY DAYS after the cause of action therefor shall have accrued, except an action against the commission for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

S 71. Subdivision 2 of section 376-a of the education law, as amended by chapter 804 of the laws of 1990, is amended to read as follows:

2. Except in an action for wrongful death, an action against the fund for damages for injuries to real or personal property, or for the destruction thereof, or for personal injuries, alleged to have been sustained, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued, nor unless a notice of [intention to commence such action and of the time when and place where the damages or personal injuries were incurred or sustained, together with a verified statement showing in detail the property alleged to have been damaged or destroyed and the value thereof, or the personal injuries, alleged to have been sustained, and by whom, shall have been filed with a trustee or officer of the fund in the principal office of the fund within ninety days after such cause of action shall have accrued] CLAIM SHALL HAVE BEEN SERVED ON THE FUND WITHIN THE TIME LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the fund for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of the public authorities law.

S 72. Subdivision 3 of section 467 of the education law, as amended by chapter 804 of the laws of 1990, is amended to read as follows:

3. Except in an action for wrongful death, an action against the fund for damages for injuries to real or personal property, or for the destruction thereof, or for personal injuries, alleged to have been sustained, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued, nor unless a notice of [intention to commence such action and of the time when and place where the damages or personal injuries were incurred or sustained, together with a verified statement showing in detail the property alleged to have been damaged or destroyed and the value thereof, or the

1 personal injuries, alleged to have been sustained, and by whom, shall
2 have been filed with a trustee or officer of the fund in the principal
3 office of the fund within ninety days after such cause of action shall
4 have accrued] CLAIM SHALL HAVE BEEN SERVED ON THE FUND WITHIN THE TIME
5 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
6 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the fund for
7 wrongful death shall be commenced in accordance with the notice of claim
8 and time limitation provisions of title eleven of article nine of the
9 public authorities law.

10 S 73. Subdivision 3 of section 491 of the education law, as amended by
11 chapter 804 of the laws of 1990, is amended to read as follows:

12 3. Except in an action for wrongful death, an action against the fund
13 for damages for injuries to real or personal property, or for the
14 destruction thereof, or for personal injuries, alleged to have been
15 sustained, shall not be commenced more than one year and ninety days
16 after the cause of action therefor shall have accrued, nor unless a
17 notice of [intention to commence such action and of the time when and
18 place where the damages or personal injuries were incurred or sustained,
19 together with a verified statement showing in detail the property
20 alleged to have been damaged or destroyed and the value thereof, or the
21 personal injuries, alleged to have been sustained, and by whom, shall
22 have been filed with a trustee or officer of the fund in the principal
23 office of the fund within ninety days after such cause of action shall
24 have accrued] CLAIM SHALL HAVE BEEN SERVED ON THE FUND WITHIN THE TIME
25 LIMIT ESTABLISHED BY, AND IN COMPLIANCE WITH ALL REQUIREMENTS OF SECTION
26 FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action against the fund for
27 wrongful death shall be commenced in accordance with the notice of claim
28 and time limitation provisions of title eleven of article nine of the
29 public authorities law.

30 S 74. Section 41.29 of the mental hygiene law, as amended by chapter
31 588 of the laws of 1973 and as renumbered by chapter 978 of the laws of
32 1977, is amended to read as follows:

33 S 41.29 Liability of local government.

34 Any local government which has established a local governmental unit
35 shall save harmless and protect the members of the board and officers
36 and employees of such unit from financial loss arising out of any claim,
37 demand, suit, or judgment by reason of alleged negligence or other act
38 resulting in accidental bodily harm or injury to any person, provided
39 such board member, officer, or employee at the time of the accident or
40 injury was acting in the discharge of his duties within the scope of his
41 employment under this article. No action shall be maintained under this
42 section against such a local government, board member, officer, or
43 employee unless a notice of claim shall have been made and served in
44 compliance with section fifty-e of the general municipal law. EXCEPT IN
45 AN ACTION FOR WRONGFUL DEATH, AN ACTION AGAINST SUCH A LOCAL GOVERNMENT,
46 BOARD MEMBER, OFFICER, OR EMPLOYEE FOR DAMAGES FOR INJURIES TO REAL OR
47 PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR PERSONAL INJU-
48 RIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE COMMENCED MORE THAN
49 ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION THEREFOR SHALL HAVE
50 ACCRUED.

51 S 75. Subdivision 1 of section 667 of the private housing finance law,
52 as amended by chapter 804 of the laws of 1990 and as designated by chap-
53 ter 702 of the laws of 1992, is amended to read as follows:

54 1. Except in an action for wrongful death, in any case founded upon
55 tort a notice of claim shall be required as a condition precedent to the
56 commencement of an action or special proceeding against the corporation,

1 any of its subsidiary corporations, or any officer, appointee or employ-
2 ee thereof, and the provisions of section fifty-e of the general municipi-
3 pal law shall govern the giving of such notice. An action for wrongful
4 death shall be commenced in accordance with the notice of claim and time
5 limitation provisions of title eleven of article nine of the public
6 authorities law. ANY OTHER ACTION AGAINST THE CORPORATION, ANY OF ITS
7 SUBSIDIARY CORPORATIONS, OR ANY OTHER OFFICER, APPOINTEE OR EMPLOYEE
8 THEREOF FOR DAMAGES FOR INJURIES TO REAL OR PERSONAL PROPERTY, OR FOR
9 THE DESTRUCTION THEREOF, OR FOR PERSONAL INJURIES, ALLEGED TO HAVE BEEN
10 SUSTAINED, SHALL NOT BE COMMENCED MORE THAN ONE YEAR AND NINETY DAYS
11 AFTER THE CAUSE OF ACTION THEREFOR SHALL HAVE ACCRUED.

12 S 76. Subdivision 3 of section 12 of section 1 of chapter 359 of the
13 laws of 1968, constituting the facilities development corporation act,
14 as amended by chapter 804 of the laws of 1990, is amended to read as
15 follows:

16 3. Except in an action for wrongful death, an action against the
17 corporation for damages for injuries to real or personal property, or
18 for the destruction thereof, or for personal injuries, alleged to have
19 been sustained, shall not be commenced more than one year and ninety
20 days after the cause of action therefor shall have accrued, nor unless a
21 notice of [intention to commence such action and of the time when and
22 place where the damages or personal injuries were incurred or sustained,
23 together with a verified statement showing in detail the property
24 alleged to have been damaged or destroyed and the value thereof, or the
25 personal injuries, alleged to have been sustained, and by whom, shall
26 have been filed with a member or officer of the corporation in the prin-
27 cipal office of the corporation within ninety days after such cause of
28 action shall have accrued] CLAIM SHALL HAVE BEEN SERVED ON THE CORPO-
29 RATION WITHIN THE TIME LIMIT ESTABLISHED BY AND IN COMPLIANCE WITH ALL
30 REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW. An action
31 against the corporation for wrongful death shall be commenced in accord-
32 ance with the notice of claim and time limitation provisions of title
33 eleven of article nine of the public authorities law.

34 S 77. Subdivision a of section 19-152.2 of the administrative code of
35 the city of New York, as amended by local law number 104 of the city of
36 New York for the year 1993, is amended to read as follows:

37 a. A claim against the department arising from the city's performance
38 pursuant to section 19-152 of the code shall be initiated within one
39 year from the date of entry of a notice of account [by filing] IF THE
40 CLAIMANT SHALL HAVE FILED a notice of claim with the office of the comp-
41 troller of the city of New York WITHIN THE TIME LIMIT ESTABLISHED BY,
42 AND IN COMPLIANCE WITH ALL THE REQUIREMENTS OF SECTION FIFTY-E OF THE
43 GENERAL MUNICIPAL LAW. The claim forms shall be provided to property
44 owners upon request at no cost.

45 S 78. Chapter 154 of the laws of 1921, relating to the port authority
46 of New York and New Jersey is amended by adding a new article XI-A to
47 read as follows:

48 ARTICLE XI-A

49 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, EVERY
50 ACTION AGAINST THE AUTHORITY FOR DAMAGES OR INJURIES TO REAL OR PERSONAL
51 PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR PERSONAL INJURIES OR
52 WRONGFUL DEATH SHALL NOT BE COMMENCED UNLESS A NOTICE OF CLAIM SHALL
53 HAVE BEEN SERVED ON THE AUTHORITY IN THE MANNER PROVIDED FOR IN THE
54 STATE WHERE THE ACTION IS COMMENCED, AND IN COMPLIANCE WITH THE PERTI-
55 NENT STATUTES OF THE STATE RELATING GENERALLY TO ACTIONS COMMENCED
56 AGAINST THAT STATE AND IN COMPLIANCE WITH ALL THE REQUIREMENTS OF THE

1 LAWS OF THAT STATE. WHERE SUCH STATE'S LAW PERMITS SERVICE UPON A
2 DEPARTMENT OF THAT STATE IN LIEU OF SERVICE UPON THE PUBLIC ENTITY,
3 SERVICE MAY BE MADE PURSUANT TO SUCH LAW. EXCEPT IN AN ACTION FOR WRONG-
4 FUL DEATH AGAINST SUCH AN ENTITY, AN ACTION FOR DAMAGES OR FOR INJURIES
5 TO REAL OR PERSONAL PROPERTY, OR FOR THE DESTRUCTION THEREOF, OR FOR
6 PERSONAL INJURIES, ALLEGED TO HAVE BEEN SUSTAINED, SHALL NOT BE
7 COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION
8 THEREFOR SHALL HAVE ACCRUED OR WITHIN THE TIME PERIOD OTHERWISE
9 PRESCRIBED BY ANY SPECIAL PROVISION OF LAW OF THAT STATE, WHICHEVER IS
10 LONGER.

11 S 79. This act shall take effect on the one hundred eightieth day
12 after it shall have become a law and shall apply to all actions and
13 proceedings accruing on or after such date; provided, however, that
14 section seventy-eight of this act shall take effect upon the enactment
15 into law by the state of New Jersey of legislation having an identical
16 effect as section seventy-eight of this act, but if the state of New
17 Jersey shall have enacted such legislation into law prior to the first
18 day of January next succeeding the date upon which this act shall have
19 become a law, section seventy-eight of this act shall take effect on the
20 one hundred eightieth day from the date upon which it shall have become
21 a law; provided further, however, that the state of New Jersey shall
22 notify the legislative bill drafting commission upon the occurrence of
23 the enactment of the provisions provided for in this act in order that
24 the commission may maintain an accurate and timely effective data base
25 of the official text of the laws of the state of New York in furtherance
26 of effecting the provisions of section 44 of the legislative law and
27 section 70-b of the public officers law.