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

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2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. SIMOTAS, WEINSTEIN, TITONE, WEPRIN, ZEBROWSKI, BRONSON, COOK, GALEF, JAFFEE, MARKEY, STEVENSON -- Multi-Sponsored by -- M. of A. ABINANTI, BING, COLTON -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the service of papers

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

Section 1. Paragraph 2 of subdivision (b) of rule 2103 of the civil practice law and rules, as separately amended by chapters 461 and 478 of the laws of 1989, is amended to read as follows:

2. by mailing the paper to the attorney at the address designated by that attorney for that purpose or, if none is designated, at the attorney's last known address; service by mail shall be complete upon mailing; where a period of time prescribed by law is measured from the service of a paper and service is by mail, five days shall be added to the prescribed period IF THE MAILING IS MADE WITHIN THE STATE AND SIX DAYS IF MADE FROM OUTSIDE THE STATE; or

S 2. Paragraph 5 of subdivision (b) of rule 2103 of the civil practice law and rules, as amended by chapter 367 of the laws of 1999, is amended to read as follows:

5. by transmitting the paper to the attorney by facsimile transmission, provided that a facsimile telephone number is designated by the attorney for that purpose BY A STIPULATION IN THE ACTION IN WHICH THE FACSIMILE SERVICE IS TO OCCUR. Service by facsimile transmission shall be complete upon the receipt by the sender of a signal from the equipment of the attorney served indicating that the transmission was received, and the mailing of a copy of the paper to that attorney. [The designation of a facsimile telephone number in the address block subscribed on a paper served or filed in the course of an action or

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

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proceeding shall constitute consent to service by facsimile transmission in accordance with this subdivision.] An attorney may change [or rescind] a facsimile telephone number by serving a notice on the other parties; or

S 3. Paragraph 1 of subdivision (f) of rule 2103 of the civil practice law and rules, as amended by chapter 367 of the laws of 1999, is amended to read as follows:

1. "Mailing" means the deposit of a paper enclosed in a first class postpaid wrapper, addressed to the address designated by a person for that purpose or, if none is designated, at that person's last known address, in a post office or official depository under the exclusive care and custody of the United States Postal Service [within the state];

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.