

8368--A

R. R. 354

2011-2012 Regular Sessions

I N A S S E M B L Y

June 14, 2011

Introduced by M. of A. WEINSTEIN, P. RIVERA -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading

AN ACT to amend chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, in relation to specifying courts and actions in which pilot programs will be authorized to permit use of electronic means to commence an action or proceeding; and to amend chapter 416 of the laws of 2009, amending the civil practice law and rules relating to service of papers by electronic means, in relation to the establishment of advisory committees to implement laws to effect service of papers by electronic means

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

1 Section 1. The legislature finds and declares that use of electronic
2 means to commence judicial proceedings and to file and serve papers in
3 pending proceedings ("e-filing") can be highly beneficial to the state,
4 local governments and the public. Accordingly, it is the purpose of this
5 measure to enable a further controlled expansion of e-filing in the
6 civil courts of the state; and to lay the groundwork for an anticipated
7 future introduction of e-filing in criminal and family courts.
8 S 2. The first unnumbered paragraph and clauses (i), (iv), (v), (xi)
9 and (xii) of subparagraph 1, and subparagraphs 2 and 3 of paragraph (B)
10 of subdivision (b) of section 6 of chapter 367 of the laws of 1999,
11 amending the civil practice law and rules and the judiciary law relating
12 to authorization of pilot programs permitting use of facsimile trans-
13 mission or electronic means to commence an action or special proceeding,
14 the first unnumbered paragraph of subparagraph 1, subparagraph 3 as

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

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1 amended by chapter 528 of the laws of 2010 and clauses (i), (iv), (v),
2 (xi) and (xii) of subparagraph 1 and subparagraph 2 as amended by chap-
3 ter 416 of the laws of 2009, are amended and a new clause (xiii) is
4 added to subparagraph 1 to read as follows:

5 The supreme court [of] IN COUNTIES WITHIN THE CITY OF New York [and
6 Westchester counties] in the following classes of cases [provided that
7 the amount in controversy (exclusive of punitive damages, interest,
8 costs, disbursements and counsel fees claimed) is over \$100,000]:

9 (i) Breach of contract [(regardless of amount in controversy)] or
10 fiduciary duty, fraud, misrepresentation, business tort (including but
11 not limited to actions involving claims of unfair competition), or stat-
12 utory and/or common law violation where the breach or violation is
13 alleged to arise out of business dealings (including but not limited to
14 sales of assets or securities; corporate restructuring; partnership,
15 shareholder, joint venture, and other business agreements; trade
16 secrets; restrictive covenants; and employment agreements not including
17 claims that principally involve alleged discriminatory practices);

18 (iv) Shareholder derivative actions[, without consideration of the
19 monetary threshold];

20 (v) Commercial class actions[, without consideration of the monetary
21 threshold];

22 (xi) Dissolution of corporations, partnerships, limited liability
23 companies, limited liability partnerships and joint ventures[, without
24 consideration of the monetary threshold]; [and]

25 (xii) Applications to stay or compel arbitration and affirm or disaf-
26 firm arbitration awards and related injunctive relief pursuant to arti-
27 cle 75 of the civil practice law and rules involving any of the forego-
28 ing enumerated commercial issues[, without consideration of the monetary
29 threshold]; AND

30 (XIII) BREACH OF CONTRACT CASES OTHER THAN THOSE SPECIFIED IN CLAUSE
31 (I) OF THIS SUBPARAGRAPH.

32 2. Tort cases in supreme court in [Westchester county] COUNTIES WITHIN
33 THE CITY OF NEW YORK, and

34 3. One or more classes of cases (excluding matrimonial actions as
35 defined by the civil practice law and rules, election law proceedings,
36 proceedings brought pursuant to article 78 of the civil practice law and
37 rules, and proceedings brought pursuant to the mental hygiene law) in
38 supreme court in Livingston, Monroe, Rockland [and], Tompkins, ALLEGANY,
39 ESSEX, ONONDAGA AND WESTCHESTER counties[.], AND

40 S 3. Paragraph (B) of subdivision (b) of section 6 of chapter 367 of
41 the laws of 1999, amending the civil practice law and rules and the
42 judiciary law relating to authorization of pilot programs permitting use
43 of facsimile transmission or electronic means to commence an action or
44 special proceeding, is amended by adding two new subparagraphs 4 and 5
45 to read as follows:

46 4. ONE OR MORE CLASSES OF CASES IN SURROGATE'S COURT IN SUCH COUNTIES
47 AS THE CHIEF ADMINISTRATOR SHALL SPECIFY, AND

48 5. ACTIONS IN THE CIVIL COURT OF THE CITY OF NEW YORK BROUGHT BY A
49 PROVIDER OF HEALTH CARE SERVICES SPECIFIED IN PARAGRAPH (1) OF
50 SUBSECTION (A) OF SECTION 5102 OF THE INSURANCE LAW AGAINST AN INSURER
51 FOR FAILURE TO COMPLY WITH RULES AND REGULATIONS PROMULGATED BY THE
52 SUPERINTENDENT OF INSURANCE PURSUANT TO SUBSECTION (B) OF SECTION 5108
53 OF SUCH LAW.

54 S 4. The closing paragraph of paragraph (B) of subdivision (b) of
55 section 6 of chapter 367 of the laws of 1999, amending the civil prac-
56 tice law and rules and the judiciary law relating to authorization of

1 pilot programs permitting use of facsimile transmission or electronic
2 means to commence an action or special proceeding, as amended by chapter
3 528 of the laws of 2010, is amended to read as follows:

4 Notwithstanding the foregoing, the chief administrator may not elimi-
5 nate the requirement of consent until after he or she shall have
6 consulted with members of the organized bar and with the county clerk in
7 any county in which such elimination shall apply (WHERE THE AFFECTED
8 COURT IS THE SUPREME COURT OF A COUNTY OUTSIDE THE CITY OF NEW YORK),
9 have afforded them the opportunity to submit comments with respect ther-
10 eto, have considered any such comments and, in the instance of the coun-
11 ties specified in subparagraph three of this paragraph, have obtained
12 the agreement thereto of the respective county clerks thereof.

13 S 5. Section 6 of chapter 416 of the laws of 2009 amending the civil
14 practice law and rules relating to service of papers by electronic
15 means, as amended by chapter 528 of the laws of 2010, is amended to read
16 as follows:

17 S 6. (a) Not later than April first in each calendar year, commencing
18 in the year 2011, the chief administrator of the courts shall submit to
19 the legislature, the governor and the chief judge of the state a report
20 evaluating the state's experience with [the program] PROGRAMS in the use
21 of electronic means for the commencement of [civil] actions and
22 proceedings and the service of papers therein as authorized by [this
23 act] LAW and containing such recommendations for further legislation as
24 he or she shall deem appropriate, including, in particular, legislation
25 to enable broader use of [the program] SUCH PROGRAMS without the
26 requirement of consent to participation [in the counties specified in
27 subparagraphs 1 and 2 of paragraph (B) of subdivision (b) of section 6
28 of chapter 367 of the laws of 1999, amending the civil practice law and
29 rules and the judiciary law, relating to the authorization of pilot
30 programs permitting the use of facsimile transmission or electronic
31 means to commence an action or special proceeding, as amended, and in
32 counties not now specified in subparagraph 3 of such paragraph (B)]. In
33 the preparation of such report, the chief administrator shall consult
34 with each county clerk in whose county [the] A program has been imple-
35 mented IN CIVIL CASES IN THE SUPREME COURT, THE ADVISORY COMMITTEES
36 ESTABLISHED PURSUANT TO SUBDIVISIONS (B), (C) AND (D) OF THIS SECTION,
37 THE ORGANIZED BAR INCLUDING BUT NOT LIMITED TO CITY, STATE, COUNTY AND
38 WOMEN'S BAR ASSOCIATIONS; INSTITUTIONAL LEGAL SERVICE PROVIDERS;
39 NOT-FOR-PROFIT LEGAL SERVICE PROVIDERS; PUBLIC DEFENDERS; ATTORNEYS
40 ASSIGNED PURSUANT TO ARTICLE 18-B OF THE COUNTY LAW; UNAFFILIATED ATTOR-
41 NEYS WHO REGULARLY APPEAR IN PROCEEDINGS THAT ARE OR HAVE BEEN AFFECTED
42 BY ANY PROGRAMS THAT HAVE BEEN IMPLEMENTED OR WHO MAY BE AFFECTED BY THE
43 PROPOSED RECOMMENDATIONS FOR FURTHER LEGISLATION; REPRESENTATIVES OF
44 VICTIMS' RIGHTS ORGANIZATIONS; AND ANY OTHER PERSONS IN WHOSE COUNTY A
45 PROGRAM HAS BEEN IMPLEMENTED IN ANY OF THE COURTS THEREIN AS DEEMED TO
46 BE APPROPRIATE BY THE CHIEF ADMINISTRATOR, AND afford [him or her] THEM
47 an opportunity to submit comments with respect to such implementation
48 for inclusion in the report and [consider] ADDRESS any such comments.

49 (b) (1) The chief administrator of the courts shall create an advisory
50 committee to consult with him or her in the implementation of [this act]
51 LAWS AFFECTING THE PROGRAM IN THE USE OF ELECTRONIC MEANS FOR THE
52 COMMENCEMENT OF CIVIL ACTIONS AND PROCEEDINGS AND THE SERVICE AND FILING
53 OF PAPERS THEREIN in the supreme court. This committee shall consist of
54 such number of members as the chief administrator shall designate, [no]
55 AMONG WHICH THERE SHALL BE REPRESENTATIVES OF THE ORGANIZED BAR INCLUD-
56 ING BUT NOT LIMITED TO CITY, STATE, COUNTY AND WOMEN'S BAR ASSOCIATIONS;

1 INSTITUTIONAL LEGAL SERVICE PROVIDERS; NOT-FOR-PROFIT LEGAL SERVICE
2 PROVIDERS; UNAFFILIATED ATTORNEYS WHO REGULARLY APPEAR IN PROCEEDINGS
3 THAT ARE OR HAVE BEEN AFFECTED BY THE PROGRAMS THAT HAVE BEEN IMPE-
4 MENTED OR WHO MAY BE AFFECTED BY ANY RECOMMENDATIONS FOR FURTHER LEGIS-
5 LATION CONCERNING THE USE OF ELECTRONIC MEANS FOR THE COMMENCEMENT OF
6 ACTIONS AND PROCEEDINGS AND THE SERVICE AND FILING OF PAPERS THEREIN IN
7 THE SUPREME COURT; AND ANY OTHER PERSONS IN WHOSE COUNTY A PROGRAM HAS
8 BEEN IMPLEMENTED IN ANY OF THE COURTS THEREIN AS DEEMED TO BE APPROPRI-
9 ATE BY THE CHIEF ADMINISTRATOR. NO fewer than half [to] OF THE MEMBERS
10 OF THIS ADVISORY COMMITTEE SHALL be upon the recommendation of the New
11 York State Association of County Clerks.

12 (2) THE CHIEF ADMINISTRATOR SHALL CREATE AN ADVISORY COMMITTEE TO
13 CONSULT WITH HIM OR HER IN THE IMPLEMENTATION OF LAWS AFFECTING THE
14 PROGRAM IN THE USE OF ELECTRONIC MEANS FOR THE COMMENCEMENT OF ACTIONS
15 AND PROCEEDINGS AND THE SERVICE AND FILING OF PAPERS THEREIN IN THE
16 SURROGATE'S COURT. THIS COMMITTEE SHALL CONSIST OF SUCH NUMBER OF
17 MEMBERS AS THE CHIEF ADMINISTRATOR SHALL DESIGNATE, AMONG WHICH THERE
18 SHALL BE CHIEF CLERKS OF SURROGATE'S COURTS; REPRESENTATIVES OF THE
19 ORGANIZED BAR INCLUDING BUT NOT LIMITED TO CITY, STATE, COUNTY AND
20 WOMEN'S BAR ASSOCIATIONS; INSTITUTIONAL PROVIDERS OF LEGAL SERVICES;
21 NOT-FOR-PROFIT LEGAL SERVICE PROVIDERS; ATTORNEYS ASSIGNED PURSUANT TO
22 ARTICLE 18-B OF THE COUNTY LAW; UNAFFILIATED ATTORNEYS WHO REGULARLY
23 APPEAR IN PROCEEDINGS THAT ARE OR HAVE BEEN AFFECTED BY THE PROGRAMS
24 THAT HAVE BEEN IMPLEMENTED OR WHO MAY BE AFFECTED BY ANY RECOMMENDATIONS
25 FOR FURTHER LEGISLATION CONCERNING THE USE OF ELECTRONIC MEANS FOR THE
26 COMMENCEMENT OF ACTIONS AND PROCEEDINGS AND THE SERVICE AND FILING OF
27 PAPERS THEREIN IN THE SURROGATE'S COURT; AND ANY OTHER PERSONS IN WHOSE
28 COUNTY A PROGRAM HAS BEEN IMPLEMENTED IN ANY OF THE COURTS THEREIN AS
29 DEEMED TO BE APPROPRIATE BY THE CHIEF ADMINISTRATOR.

30 (3) THE CHIEF ADMINISTRATOR SHALL CREATE AN ADVISORY COMMITTEE TO
31 CONSULT WITH HIM OR HER IN THE IMPLEMENTATION OF LAWS AFFECTING THE
32 PROGRAM IN THE USE OF ELECTRONIC MEANS FOR THE COMMENCEMENT OF ACTIONS
33 AND PROCEEDINGS AND THE SERVICE AND FILING OF PAPERS THEREIN IN THE
34 CIVIL COURT OF THE CITY OF NEW YORK. THIS COMMITTEE SHALL CONSIST OF
35 SUCH NUMBER OF MEMBERS AS THE CHIEF ADMINISTRATOR SHALL DESIGNATE, AMONG
36 WHICH THERE SHALL BE THE CHIEF CLERK OF THE CIVIL COURT OF THE CITY OF
37 NEW YORK; REPRESENTATIVES OF THE ORGANIZED BAR INCLUDING BUT NOT LIMITED
38 TO CITY, STATE, COUNTY AND WOMEN'S BAR ASSOCIATIONS; ATTORNEYS WHO REGU-
39 LARLY APPEAR IN ACTIONS SPECIFIED IN SUBPARAGRAPH 5 OF PARAGRAPH (B) OF
40 SUBDIVISION (B) OF SECTION 6 OF CHAPTER 367 OF THE LAWS OF 1999; AND
41 UNAFFILIATED ATTORNEYS WHO REGULARLY APPEAR IN PROCEEDINGS THAT ARE OR
42 HAVE BEEN AFFECTED BY THE PROGRAMS THAT HAVE BEEN IMPLEMENTED OR WHO MAY
43 BE AFFECTED BY ANY RECOMMENDATIONS FOR FURTHER LEGISLATION CONCERNING
44 THE USE OF ELECTRONIC MEANS FOR THE COMMENCEMENT OF ACTIONS AND
45 PROCEEDINGS AND THE SERVICE AND FILING OF PAPERS THEREIN IN THE CIVIL
46 COURT OF THE CITY OF NEW YORK; AND ANY OTHER PERSONS AS DEEMED APPROPRI-
47 ATE BY THE CHIEF ADMINISTRATOR.

48 (C)(1) THE CHIEF ADMINISTRATOR SHALL CREATE AN ADVISORY COMMITTEE TO
49 CONSULT WITH HIM OR HER REGARDING THE DEVELOPMENT OF A PROGRAM RELATING
50 TO THE USE OF ELECTRONIC MEANS FOR THE COMMENCEMENT OF CRIMINAL ACTIONS
51 AND THE FILING AND SERVICE OF PAPERS IN PENDING CRIMINAL ACTIONS AND
52 PROCEEDINGS. THE COMMITTEE SHALL CONSIST OF SUCH NUMBER OF MEMBERS AS
53 WILL ENABLE THE CHIEF ADMINISTRATOR TO OBTAIN INPUT FROM THOSE WHO WOULD
54 BE AFFECTED BY SUCH ELECTRONIC FILING PROGRAM, AND SUCH MEMBERS SHALL
55 INCLUDE COUNTY CLERKS; CHIEF CLERKS OF SUPREME, COUNTY AND OTHER COURTS;
56 DISTRICT ATTORNEYS; NOT-FOR-PROFIT LEGAL SERVICE PROVIDERS; PUBLIC

1 DEFENDERS; STATEWIDE AND LOCAL SPECIALTY BAR ASSOCIATIONS WHOSE MEMBER-
2 SHIP DEVOTES A SIGNIFICANT PORTION OF THEIR PRACTICE TO ASSIGNED CRIMI-
3 NAL CASES PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (A) OF SUBDIVISION 3
4 OF SECTION 722 OF THE COUNTY LAW; INSTITUTIONAL PROVIDERS OF CRIMINAL
5 DEFENSE SERVICES AND OTHER MEMBERS OF THE CRIMINAL DEFENSE BAR; REPRE-
6 SENTATIVES OF VICTIMS' RIGHTS ORGANIZATIONS; UNAFFILIATED ATTORNEYS WHO
7 REGULARLY APPEAR IN PROCEEDINGS THAT WOULD BE AFFECTED BY SUCH ELECTRON-
8 IC FILING PROGRAM AND OTHER INTERESTED MEMBERS OF THE CRIMINAL JUSTICE
9 COMMUNITY. SUCH COMMITTEE SHALL HELP THE CHIEF ADMINISTRATOR TO EVALUATE
10 THE IMPACT OF SUCH ELECTRONIC FILING PROGRAM ON LITIGANTS INCLUDING
11 UNREPRESENTED PARTIES, PRACTITIONERS AND THE COURTS AND TO OBTAIN INPUT
12 FROM THOSE WHO WOULD BE AFFECTED BY SUCH ELECTRONIC FILING PROGRAM,
13 INCLUDING DISTRICT ATTORNEYS, NOT-FOR-PROFIT LEGAL SERVICE PROVIDERS,
14 PUBLIC DEFENDERS, STATEWIDE AND LOCAL SPECIALTY BAR ASSOCIATIONS WHOSE
15 MEMBERSHIP DEVOTES A SIGNIFICANT PORTION OF THEIR PRACTICE TO ASSIGNED
16 CRIMINAL CASES PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (A) OF SUBDIVI-
17 SION 3 OF SECTION 722 OF THE COUNTY LAW, INSTITUTIONAL PROVIDERS OF
18 CRIMINAL DEFENSE SERVICES AND OTHER MEMBERS OF THE CRIMINAL DEFENSE BAR,
19 REPRESENTATIVES OF VICTIMS' RIGHTS ORGANIZATIONS, UNAFFILIATED ATTORNEYS
20 WHO REGULARLY APPEAR IN PROCEEDINGS THAT WOULD BE AFFECTED BY SUCH ELEC-
21 TRONIC FILING PROGRAM AND OTHER INTERESTED MEMBERS OF THE CRIMINAL
22 JUSTICE COMMUNITY.

23 (2) NO LATER THAN JANUARY 1, 2012, THE CHIEF ADMINISTRATOR OF THE
24 COURTS SHALL SUBMIT TO THE LEGISLATURE, THE GOVERNOR AND THE CHIEF JUDGE
25 OF THE STATE A REPORT OF THE EVALUATION INCLUDING THE ENTITIES OR INDIV-
26 IDUALS CONSULTED, THE INPUT RECEIVED, ANY RECOMMENDATIONS OF THE ADVI-
27 SORY COMMITTEE TO THE CHIEF ADMINISTRATOR, ALONG WITH RECOMMENDATIONS
28 FOR LEGISLATION AUTHORIZING THE DEVELOPMENT OF A PROGRAM RELATING TO THE
29 USE OF ELECTRONIC MEANS FOR THE COMMENCEMENT OF CRIMINAL ACTIONS AND THE
30 FILING AND SERVICE OF PAPERS IN PENDING CRIMINAL ACTIONS AND
31 PROCEEDINGS.

32 (D) (1) THE CHIEF ADMINISTRATOR SHALL CREATE AN ADVISORY COMMITTEE TO
33 CONSULT WITH HIM OR HER REGARDING THE DEVELOPMENT OF A PROGRAM RELATING
34 TO THE USE OF ELECTRONIC MEANS FOR THE ORIGATION OF JUVENILE DELIN-
35 QUENCY PROCEEDINGS UNDER ARTICLE 3 OF THE FAMILY COURT ACT AND ABUSE OR
36 NEGLECT PROCEEDINGS PURSUANT TO ARTICLE 10 OF THE FAMILY COURT ACT IN
37 FAMILY COURT AND THE FILING AND SERVICE OF PAPERS IN SUCH PENDING
38 PROCEEDINGS. THE COMMITTEE SHALL CONSIST OF SUCH NUMBER OF MEMBERS AS
39 WILL ENABLE THE CHIEF ADMINISTRATOR TO OBTAIN INPUT FROM THOSE WHO WOULD
40 BE AFFECTED BY SUCH ELECTRONIC FILING PROGRAMS, AND SUCH MEMBERS SHALL
41 INCLUDE CHIEF CLERKS OF FAMILY COURTS; REPRESENTATIVES OF AUTHORIZED
42 PRESENTMENT AND CHILD PROTECTIVE AGENCIES; OTHER APPROPRIATE COUNTY AND
43 CITY GOVERNMENT OFFICIALS; INSTITUTIONAL PROVIDERS OF LEGAL SERVICES FOR
44 CHILDREN AND/OR PARENTS; NOT-FOR-PROFIT LEGAL SERVICE PROVIDERS; PUBLIC
45 DEFENDERS; ATTORNEYS ASSIGNED PURSUANT TO ARTICLE 18-B OF THE COUNTY
46 LAW; AND OTHER MEMBERS OF THE FAMILY COURT BAR; REPRESENTATIVES OF
47 VICTIMS' RIGHTS ORGANIZATIONS; UNAFFILIATED ATTORNEYS WHO REGULARLY
48 APPEAR IN PROCEEDINGS THAT WOULD BE AFFECTED BY SUCH ELECTRONIC FILING
49 PROGRAM; AND OTHER INTERESTED MEMBERS OF THE FAMILY PRACTICE COMMUNITY.
50 SUCH COMMITTEE SHALL HELP THE CHIEF ADMINISTRATOR TO EVALUATE THE IMPACT
51 OF SUCH ELECTRONIC FILING PROGRAM ON LITIGANTS INCLUDING UNREPRESENTED
52 PARTIES, PRACTITIONERS AND THE COURTS AND TO OBTAIN INPUT FROM THOSE WHO
53 WOULD BE AFFECTED BY SUCH ELECTRONIC FILING PROGRAM, INCLUDING REPRESEN-
54 TATIVES OF AUTHORIZED PRESENTMENT AND CHILD PROTECTIVE AGENCIES, OTHER
55 APPROPRIATE COUNTY AND CITY GOVERNMENT OFFICIALS, INSTITUTIONAL PROVID-
56 ERS OF LEGAL SERVICES FOR CHILDREN AND/OR PARENTS, NOT-FOR-PROFIT LEGAL

1 SERVICE PROVIDERS, PUBLIC DEFENDERS, ATTORNEYS ASSIGNED PURSUANT TO
2 ARTICLE 18-B OF THE COUNTY LAW AND OTHER MEMBERS OF THE FAMILY COURT
3 BAR, REPRESENTATIVES OF VICTIMS' RIGHTS ORGANIZATIONS, UNAFFILIATED
4 ATTORNEYS WHO REGULARLY APPEAR IN PROCEEDINGS THAT WOULD BE AFFECTED BY
5 SUCH ELECTRONIC FILING PROGRAM, AND OTHER INTERESTED MEMBERS OF THE
6 CRIMINAL JUSTICE COMMUNITY.

7 (2) NO LATER THAN JANUARY 1, 2012, THE CHIEF ADMINISTRATOR OF THE
8 COURTS SHALL SUBMIT TO THE LEGISLATURE, THE GOVERNOR AND THE CHIEF JUDGE
9 OF THE STATE A REPORT OF THE EVALUATION INCLUDING THE ENTITIES OR INDIVIDUALS
10 CONSULTED, INPUT RECEIVED, ANY RECOMMENDATIONS OF THE ADVISORY
11 COMMITTEE TO THE CHIEF ADMINISTRATOR, ALONG WITH RECOMMENDATIONS FOR
12 LEGISLATION AUTHORIZING THE DEVELOPMENT OF A PROGRAM RELATING TO THE USE
13 OF ELECTRONIC MEANS FOR THE ORIGINATION OF JUVENILE DELINQUENCY
14 PROCEEDINGS UNDER ARTICLE 3 OF THE FAMILY COURT ACT AND ABUSE OR NEGLECT
15 PROCEEDINGS PURSUANT TO ARTICLE 10 OF THE FAMILY COURT ACT IN FAMILY
16 COURT AND THE FILING AND SERVICE OF PAPERS IN SUCH PENDING PROCEEDINGS.

17 S 6. Section 7 of chapter 416 of the laws of 2009 amending the civil
18 practice law and rules relating to service of papers by electronic means
19 is amended to read as follows:

20 S 7. This act shall take effect on September 1, 2009; provided, howev-
21 er, that no rule adopted pursuant to paragraph (B) of subdivision (b) of
22 section 6 of chapter 367 of the laws of 1999, as added by section two of
23 this act, shall take effect until at least one hundred eighty days have
24 elapsed after such effective date, and provided that such paragraph (B)
25 shall expire and be deemed repealed September 1, [2012] 2015.

26 S 7. This act shall take effect immediately; provided, however, that
27 the amendments to paragraph (B) of subdivision (b) of section 6 of chap-
28 ter 367 of the laws of 1999 made by sections two, three and four of this
29 act shall not affect the repeal of such provisions and shall expire and
30 be deemed repealed therewith.