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

5202--B

Cal. No. 800

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

Section 1. Subdivision 2 of section 1744 of the public authorities law, as added by chapter 738 of the laws of 1988, is amended to read as follows:

2. No action or proceeding for any cause whatever, other than the one for personal injury, death, property damage or tort, which shall be governed by subdivision one of this section, relating to the design, construction, reconstruction, improvement, rehabilitation, repair, furnishing or equipping of educational facilities, shall be prosecuted or maintained against the authority or any member, officer, agent, or employee thereof, unless (i) it shall appear by and as an allegation in the complaint or moving papers, that a detailed, written, verified notice of each claim upon which any part of such action or proceeding is founded was presented to the board within three months after the accrual of such claim, that at least thirty days have elapsed since such notice was so presented and that the authority or the officer or body having the power to adjust or pay said claim has neglected or refused to make

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

LBD10326-05-2

an adjustment or payment thereof, and (ii) the action or proceeding shall have been commenced within one year after the happening of the event upon which the claim is based; provided, however, that nothing contained in this subdivision shall be deemed to modify or supersede any provision of law or contract specifying a shorter period of time in which to commence such action or proceeding, or to excuse compliance with any other conditions required by contract to be satisfied prior to the commencement of such action or proceeding. IN THE CASE OF AN ACTION OR SPECIAL PROCEEDING FOR MONIES DUE ARISING OUT OF CONTRACT, ACCRUAL OF SUCH CLAIM SHALL BE DEEMED TO HAVE OCCURRED AS OF THE DAY PAYMENT FOR THE AMOUNT CLAIMED WAS DENIED BY WRITTEN NOTICE DELIVERED BY PERSONAL SERVICE, CERTIFIED MAIL OR AS OTHERWISE PROVIDED BY CONTRACT.

S 2. This act shall take effect immediately.