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357

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013
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Introduced by M. of A. DINOWITZ -- read once and referred to the Commit-
  tee on Codes

AN ACT to amend the civil practice law and rules, in relation to when
  third-party practice is allowed

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

 1   Section 1. Section 1007 of the civil practice law and rules, as
 2 amended by chapter 216 of the laws of 1992, is amended to read as
 3 follows:
 4   S 1007. When third-party practice allowed. After the service of [his]
 5 THE answer BUT NO LATER THAN NINETY DAYS AFTER THE COMPLETION OF EXAM-
 6 INATIONS BEFORE TRIAL OF THE PARTIES TO THE MAIN ACTION, UNLESS
 7 CONSENTED TO BY THE PARTIES OR, UPON WRITTEN APPLICATION OF ANY OF THE
 8 PARTIES IN THE MAIN ACTION, THE COURT, IN ITS DISCRETION, EXTENDS SUCH
 9 TIME FOR GOOD CAUSE FOR THE DELAY, a defendant may [proceed against a
10 person not a party who is or may be liable to that defendant for all or
11 part of the plaintiff's claim against that defendant,] IMPLEAD A THIRD
12 PARTY by filing pursuant to section three hundred four of this chapter a
13 third-party summons and complaint with the clerk of the court in the
14 county in which the main action is pending, for which a separate index
15 number shall not be issued but a separate index number fee shall be
16 collected. The third-party summons and complaint and all prior pleadings
17 served in the action shall be served upon such person within one hundred
18 twenty days of the filing. A defendant serving a third-party complaint
19 shall be styled a third-party plaintiff and the person so served shall
20 be styled a third-party defendant. The defendant shall also serve a copy
21 of such third-party complaint upon the plaintiff's attorney simultane-
22 ously upon issuance for service of the third-party complaint on the
23 third-party defendant.
24   S 2. This act shall take effect on the first of September next
25 succeeding the date on which it shall have become a law and shall be
26 applicable to all actions commenced on and after such date.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                        [ ] is old law to be omitted.
                                                      LBD02643-01-3