

3551

2013-2014 Regular Sessions

I N S E N A T E

February 5, 2013

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

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:

1 Section 1. Subdivision 2 of section 1744 of the public authorities  
2 law, as added by chapter 738 of the laws of 1988, is amended to read as  
3 follows:  
4 2. No action or proceeding for any cause whatever, other than the one  
5 for personal injury, death, property damage or tort, which shall be  
6 governed by subdivision one of this section, relating to the design,  
7 construction, reconstruction, improvement, rehabilitation, repair,  
8 furnishing or equipping of educational facilities, shall be prosecuted  
9 or maintained against the authority or any member, officer, agent, or  
10 employee thereof, unless (i) it shall appear by and as an allegation in  
11 the complaint or moving papers, that a detailed, written, verified  
12 notice of each claim upon which any part of such action or proceeding is  
13 founded was presented to the board within three months after the accrual  
14 of such claim, that at least thirty days have elapsed since such notice  
15 was so presented and that the authority or the officer or body having  
16 the power to adjust or pay said claim has neglected or refused to make  
17 an adjustment or payment thereof, and (ii) the action or proceeding  
18 shall have been commenced within one year after the happening of the  
19 event upon which the claim is based; provided, however, that nothing  
20 contained in this subdivision shall be deemed to modify or supersede any  
21 provision of law or contract specifying a shorter period of time in  
22 which to commence such action or proceeding, or to excuse compliance  
23 with any other conditions required by contract to be satisfied prior to

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

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1 the commencement of such action or proceeding. IN THE CASE OF AN ACTION  
2 OR SPECIAL PROCEEDING FOR MONIES DUE ARISING OUT OF CONTRACT, ACCRUAL OF  
3 SUCH CLAIM SHALL BE DEEMED TO HAVE OCCURRED AS OF THE DAY PAYMENT FOR  
4 THE AMOUNT CLAIMED WAS DENIED BY WRITTEN NOTICE DELIVERED BY PERSONAL  
5 SERVICE, CERTIFIED MAIL OR AS OTHERWISE PROVIDED BY CONTRACT.  
6 S 2. This act shall take effect immediately.