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

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I N A S S E M B L Y

May 20, 2014

Introduced by M. of A. SIMOTAS, WEINSTEIN -- (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 SHALL BE ADDED IF THE MAILING IS MADE FROM OUTSIDE THE STATE BUT WITHIN THE GEOGRAPHIC BOUNDARIES OF THE UNITED STATES; or

S 2. 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] UNITED STATES;

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

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