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

5656--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 3, 2015

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to process server records

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

Section 1. Subdivision 1 of section 89-cc of the general business law, as added by chapter 340 of the laws of 1986, is amended to read as follows:

1. Each process server shall maintain a legible record of all service made by him as prescribed in this section. [Such records shall be kept in chronological order in a bound, paginated volume. Corrections in records shall be made only by drawing a straight line through the inaccurate entry and clearly printing the accurate information directly above the inaccurate entry. All other methods of correction, including but not limited to erasing, opaquing, obliterating or redacting, are prohibited.] THE PROCESS SERVER SHALL PRESERVE SUCH RECORD BY SUBMITTING RECORDED ENTRIES TO A THIRD PARTY CONTRACTOR WITHIN THREE DAYS OF SERVICE OR ATTEMPTED SERVICE, PROVIDED, HOWEVER THAT PERMISSIONS PERTAINING TO SUCH DATA WILL BE SECURED SO THAT THE DATA CANNOT BE DELETED UPON SUBMISSION. RECORDS SHALL BE REPORTED IN CHRONOLOGICAL ORDER. IT SHALL BE UNLAWFUL FOR ANY PROCESS SERVER TO TAMPER WITH DATA OR PROPERTIES OF ANY ELECTRONIC RECORD KEPT PURSUANT TO THIS SECTION AFTER AN IMAGE FILE IS MADE BY MODIFYING, AMENDING, DELETING, REARRANGING OR IN ANY OTHER WAY ALTERING ANY SUCH DATA OR PROPERTIES INCLUDING, BUT NOT LIMITED TO, USING A META DATA SCRUBBER OR SIMILAR DEVICE OR PROGRAM. IF A TYPOGRAPHICAL ERROR HAS OCCURRED OR IF DATA CONTAINED IN THE PROCESS SERVER'S RECORD WAS ACCIDENTALLY OMITTED FROM THE ELECTRONIC DATA ENTRY, THE THIRD PARTY CONTRACTOR MAY MAKE AN AMENDMENT IN WHICH THE ORIGINAL RECORD SHALL BE IDENTIFIED BY ENTERING IT IN ITALICS. ALL

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

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THIRD PARTY CONTRACTORS MUST MAINTAIN A DAILY BACKUP OF ALL SUBMITTED DATA, AND ALL DATA MUST BE AVAILABLE FOR REVIEW UPON REQUEST OF ANY AND ALL INTERESTED PARTIES.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.