

9808

I N   A S S E M B L Y

April 12, 2016

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Introduced by M. of A. PERRY -- read once and referred to the Committee  
on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the  
timing of proceedings against a body or an officer

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

1     Section 1. Subdivision 1 of section 217 of the civil practice law and  
2 rules, as amended by chapter 467 of the laws of 1990, is amended to read  
3 as follows:  
4     1. Unless a shorter time is provided in the law authorizing the  
5 proceeding, a proceeding against a body or officer must be commenced  
6 within four months after the determination to be reviewed becomes final  
7 and binding upon the petitioner or the person whom he OR SHE represents  
8 in law or in fact, WHICH DETERMINATION SHALL BE SERVED UPON THE PETI-  
9 TIONER OR THE PERSON WHOM HE OR SHE REPRESENTS IN LAW OR IN FACT, IN  
10 PERSON OR BY FIRST CLASS MAIL, or after the respondent's ACTUAL OR  
11 CONSTRUCTIVE refusal, upon the demand of the petitioner or the person  
12 whom he OR SHE represents, to perform its duty; or with leave of the  
13 court where the petitioner or the person whom he OR SHE represents, at  
14 the time such determination became final and binding upon him OR HER or  
15 at the time of such refusal, was under a disability specified in section  
16 208, within two years after such time. IF THE DETERMINATION IS MAILED BY  
17 FIRST CLASS MAIL TO THE PETITIONER OR THE PERSON WHOM HE OR SHE REPRESENTS  
18 IN LAW OR IN FACT, THE STATUTE OF LIMITATIONS COMMENCES FIVE DAYS  
19 AFTER THE DETERMINATION WAS PLACED IN THE MAIL.  
20     S 2. This act shall take effect on the sixtieth day after it shall  
21 have become a law.

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

LBD09304-02-6