S T A T E   O F   N E W   Y O R K
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5656--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 3, 2015
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Introduced by M. of A. PRETLOW -- read once and referred to the Commit-
    tee 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Subdivision 1 of section 89-cc of the general business law,
 2 as added by chapter 340 of the laws of 1986, is amended to read as
 3 follows:
 4   1. Each process server shall maintain a legible record of all service
 5 made by him as prescribed in this section. [Such records shall be kept
 6 in chronological order in a bound, paginated volume. Corrections in
 7 records shall be made only by drawing a straight line through the inac-
 8 curate entry and clearly printing the accurate information directly
 9 above the inaccurate entry. All other methods of correction, including
10 but not limited to erasing, opaquing, obliterating or redacting, are
11 prohibited.] THE PROCESS SERVER SHALL PRESERVE SUCH RECORD BY SUBMITTING
12 RECORDED ENTRIES TO A THIRD PARTY CONTRACTOR WITHIN THREE DAYS OF
13 SERVICE OR ATTEMPTED SERVICE, PROVIDED, HOWEVER THAT   PERMISSIONS
14 PERTAINING TO SUCH DATA WILL BE SECURED SO THAT THE DATA CANNOT BE
15 DELETED UPON SUBMISSION. RECORDS SHALL BE REPORTED IN CHRONOLOGICAL
16 ORDER. IT SHALL BE UNLAWFUL FOR ANY PROCESS SERVER TO TAMPER WITH DATA
17 OR PROPERTIES OF ANY ELECTRONIC RECORD KEPT PURSUANT TO THIS SECTION
18 AFTER AN IMAGE FILE IS MADE BY MODIFYING, AMENDING, DELETING, REARRANG-
19 ING OR IN ANY OTHER WAY ALTERING ANY SUCH DATA OR PROPERTIES INCLUDING,
20 BUT NOT LIMITED TO, USING A META DATA SCRUBBER OR SIMILAR DEVICE OR
21 PROGRAM. IF A TYPOGRAPHICAL ERROR HAS OCCURRED OR IF DATA CONTAINED IN
22 THE PROCESS SERVER'S RECORD WAS ACCIDENTALLY OMITTED FROM THE ELECTRONIC
23 DATA ENTRY, THE THIRD PARTY CONTRACTOR MAY MAKE AN AMENDMENT IN WHICH
24 THE ORIGINAL RECORD SHALL BE IDENTIFIED BY ENTERING IT IN ITALICS. ALL

 1 THIRD PARTY CONTRACTORS   MUST MAINTAIN A DAILY BACKUP OF ALL SUBMITTED
 2 DATA, AND ALL DATA MUST BE AVAILABLE FOR REVIEW UPON REQUEST OF ANY AND
 3 ALL INTERESTED PARTIES.
 4   S 2. This act shall take effect on the thirtieth day after it shall
 5 have become a law.