STATE OF NEW YORK

2540

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

Introduced by M. of A. GOTTFRIED, PAULIN, SEPULVEDA -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to changing reference from physician, osteopath or dentist to health care practitioner

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Rule 2106 of the civil practice law and rules, as amended by chapter 380 of the laws of 2014, is amended to read as follows:

Rule 2106. Affirmation of truth of statement. (a) The statement of an attorney admitted to practice in the courts of the state, or of a [~~physician, osteopath or dentist~~] health care practitioner, authorized by title eight of the education law to practice in the state, who is not a party to an action, when subscribed and affirmed by him or her to be true under the penalties of perjury, may be served or filed in the action in lieu of and with the same force and effect as an affidavit.

(b) The statement of any person, when that person is physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, subscribed and affirmed by that person to be true under the penalties of perjury, may be used in an action in lieu of and with the same force and effect as an affidavit. Such affirmation shall be in substantially the following form:

I affirm this ___ day of _____, ____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

(Signature)

§ 2. This act shall take effect immediately.

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

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