STATE OF NEW YORK

922

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

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:

Section 1. Subdivision 1 of section 217 of the civil practice law and rules, as amended by chapter 467 of the laws of 1990, is amended to read as follows:

1. Unless a shorter time is provided in the law authorizing the proceeding, a proceeding against a body or officer must be commenced within four months after the determination to be reviewed becomes final and binding upon the petitioner or the person whom he **or she** represents in law or in fact, **which determination shall be served upon the petitioner or the person whom he or she represents in law or in fact, in person or by first class mail,** or after the respondent's **actual or constructive** refusal, upon the demand of the petitioner or the person whom he **or she** represents, to perform its duty; or with leave of the court where the petitioner or the person whom he **or she** represents, at the time such determination became final and binding upon him **or her** or at the time of such refusal, was under a disability specified in section 208, within two years after such time. **If the determination is mailed by first class mail to the petitioner or the person whom he or she represents in law or in fact, the statute of limitations commences five days after the determination was placed in the mail.**

§ 2. This act shall take effect on the sixtieth day after 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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