

STATE OF NEW YORK

7676

IN SENATE

February 6, 2018

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to electronic filing; to amend chapter 237 of the laws of 2015, amending the judiciary law and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the use of electronic means for the commencement and filing of papers in certain actions and proceedings; and to repeal paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules, relating to residential foreclosure actions involving a home loan

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

1 Section 1. Subparagraph (A) of paragraph 2 of subdivision (b) of
2 section 2111 of the civil practice law and rules, as added by chapter
3 237 of the laws of 2015, is amended to read as follows:

4 (A) one or more classes of cases (excluding [~~matrimonial actions as~~
5 ~~defined by the civil practice law and rules,~~] election law proceedings,
6 proceedings brought pursuant to article seventy or seventy-eight of this
7 chapter[~~7~~] and proceedings brought pursuant to the mental hygiene law[~~7~~
8 ~~residential foreclosure actions involving a home loan as such term is~~
9 ~~defined in section thirteen hundred four of the real property actions~~
10 ~~and proceedings law and proceedings related to consumer credit trans-~~
11 ~~actions as defined in subdivision (f) of section one hundred five of~~
12 ~~this chapter, except that the chief administrator, in accordance with~~
13 ~~this paragraph, may eliminate the requirement of consent to participate~~
14 ~~in this program insofar as it applies to the initial filing by a repres-~~
15 ~~ented party of papers required for the commencement of residential fore-~~
16 ~~closure actions involving a home loan as such term is defined in section~~
17 ~~thirteen hundred four of the real property actions and proceedings law~~
18 ~~and the initial filing by a represented party of papers required for the~~
19 ~~commencement of proceedings related to consumer credit transactions as~~

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

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~~defined in subdivision (f) of section one hundred five of this chapter)~~
~~in supreme court in such counties as he or she shall specify]], and~~

§ 2. Paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules is REPEALED.

§ 3. Section 11 of chapter 237 of the laws of 2015, as amended by chapter 99 of the laws of 2017, is amended to read as follows:

§ 11. This act shall take effect immediately; provided that sections four, five, six and seven of this act shall each expire and be deemed repealed on the first of September [1, 2019; and provided that paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules, as added by section two of this act, shall expire and be deemed repealed September 1, 2018] in the second calendar year following the year in which rules authorizing a program for the use of electronic means as permitted under such sections first take effect; provided further, that the chief administrator of the courts shall notify the legislative bill drafting commission of the date of such rules first take effect in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

§ 4. This act shall take effect immediately.