STATE OF NEW YORK

7725--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 20, 2021

Introduced by M. of A. ZINERMAN, JACOBSON -- (at request of the Department of Labor) -- read once and referred to the Committee on Labor -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to authorizing service of notice by electronic communication

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

Section 1. Section 33 of the labor law, as amended by chapter 756 of the laws of 1975, is amended to read as follows:

§ 33. Service of notice. [~~Whenever~~] **1. Notwithstanding any other law, rule, or regulation, whenever** the commissioner or board or any person affected by the provisions of this chapter is required to give notice in writing to any person, such notice may be given by mailing it in a letter addressed to [~~such person at his~~] **the** last known place of business [~~or~~] **of such person,** by delivering it to [~~him~~] **the person** personally**, or by electronic communication with the consent of the person in accordance with subdivision two of this section**. Notice to a partnership may be given to any of the partners [~~and~~]**,** notice to a corporation may be given to any officer or agent thereof**, and notice to a limited liability company may be given to any member or agent thereof,** upon whom a summons may be served as provided by the civil practice law and rules**, or by electronic communication with the consent of the entity in accordance with subdivision two of this section. Consent for any entity may be provided by a partner, officer, agent, member, owner, or other similar individual**. Whenever an order or demand of the department is required to be served it shall be served in the manner hereinbefore provided for the service of a notice [~~or~~]**,** by delivering it to any person of suitable age and discretion in charge of the premises affected by such order **or demand, or by electronic communication with the consent**

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

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of the person in accordance with subdivision two of this section, or if no person is found in charge by affixing a copy thereof conspicuously upon the premises.

2. For the purposes of this section, a person or entity shall be deemed to have consented to electronic communication if, having been advised conspicuously that enrollment or registration is voluntary and that they may continue to receive notices by mail or personal service as provided in this section, they instead affirmatively choose to receive notices by electronic communications only.

§ 2. This act shall take effect immediately.