

STATE OF NEW YORK

1713--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Economic Development -- 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 general business law, in relation to process server records

The People of the State of New York, represented in Senate and Assembly, 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 or her as prescribed in this section. Such records shall be
6 kept, either:
- 7 (a) in chronological order in a bound, paginated volume. Corrections
8 in records shall be made only by drawing a straight line through the
9 inaccurate entry and clearly printing the accurate information directly
10 above the inaccurate entry. All other methods of correction, including
11 but not limited to erasing, opaquing, obliterating or redacting, are
12 prohibited[-]; or
- 13 (b) by submitting recorded entries to a third party contractor within
14 three days of service or attempted service, provided, however that
15 permissions pertaining to such data will be secured so that the data
16 cannot be deleted upon submission. Records shall be reported in chrono-
17 logical order. It shall be unlawful for any process server to tamper
18 with data or properties of any electronic record kept pursuant to this
19 section after an image file is made by modifying, amending, deleting,
20 rearranging or in any other way altering any such data or properties
21 including, but not limited to, using a meta data scrubber or similar
22 device or program. If a typographical error has occurred or if data
23 contained in the process server's record was accidentally omitted from

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

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1 the electronic data entry, the third party contractor may make an amend-
2 ment in which the original record shall be identified by entering it in
3 italics. All third party contractors must maintain a daily backup of all
4 submitted data, and all data must be available for review upon request
5 of any and all interested parties.

6 § 2. This act shall take effect on the thirtieth day after it shall
7 have become a law.