STATE OF NEW YORK

233--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, NIOU, SEAWRIGHT, GOTTFRIED, GALEF, CRUZ, EPSTEIN, JACOBSON, QUART, PAULIN, GONZALEZ-ROJAS, BICHOTTE HERMELYN, MAMDANI -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to the statute of limitations for actions based upon unlawful discriminatory practice in employment

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

Section 1. The section heading and subdivisions 7, 8 and 9 of section 213 of the civil practice law and rules, the section heading as amended and subdivision 7 as renumbered by chapter 43 of the laws of 1975, subdivision 7 as amended by chapter 532 of the laws of 1963, and subdivision 8 as amended by chapter 403 of the laws of 2004, and subdivision 9 as added by chapter 184 of the laws of 2019 are amended and a new subdivision 10 is added to read as follows:

Actions to be commenced within six years: where not otherwise provided for; on contract; on sealed instrument; on bond or note, and mortgage upon real property; by state based on misappropriation of public property; based on mistake; by corporation against director, officer or stockholder; based on fraud**; based upon unlawful discriminatory practice in employment**.

7. an action by or on behalf of a corporation against a present or former director, officer or stockholder for an accounting, or to procure a judgment on the ground of fraud, or to enforce a liability, penalty or forfeiture, or to recover damages for waste or for an injury to property or for an accounting in conjunction therewith[~~.~~]**;**

8. an action based upon fraud; the time within which the action must be commenced shall be the greater of six years from the date the cause

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

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of action accrued or two years from the time the plaintiff or the person under whom the plaintiff claims discovered the fraud, or could with reasonable diligence have discovered it[~~.~~]**;**

9. an action by the attorney general pursuant to article twenty-three-A of the general business law or subdivision twelve of section sixty-three of the executive law[~~.~~]**;**

10. an action based upon unlawful discriminatory practice in employment pursuant to article fifteen of the executive law.

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