STATE OF NEW YORK

1735--A

Cal. No. 460

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sens. SKOUFIS, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Subdivision 1 of section 89-cc of the general business law, as added by chapter 340 of the laws of 1986, is amended to read as follows:

1. Each process server shall maintain a legible record of all service made by him **or her** as prescribed in this section. Such records shall be kept**, either:**

(a) in chronological order in a bound, paginated volume. Corrections in records shall be made only by drawing a straight line through the inaccurate entry and clearly printing the accurate information directly above the inaccurate entry. All other methods of correction, including but not limited to erasing, opaquing, obliterating or redacting, are prohibited[~~.~~]**; or**

(b) by submitting recorded entries to a third party contractor within three days of service or attempted service, provided, however that permissions pertaining to such data will be secured so that the data cannot be deleted upon submission. Records shall be reported in chronological order. It shall be unlawful for any process server to tamper with data or properties of any electronic record kept pursuant to this section after an image file is made by modifying, amending, deleting,

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

LBD00170-03-1

rearranging or in any other way altering any such data or properties including, but not limited to, using a meta data scrubber or similar device or program. If a typographical error has occurred or if data contained in the process server's record was accidentally omitted from the electronic data entry, the third party contractor may make an amendment in which the original record shall be identified by entering it in italics. All third party contractors must maintain a daily backup of all submitted data, and all data must be available for review upon request of any and all interested parties.

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