STATE OF NEW YORK

7135

2021-2022 Regular Sessions

IN SENATE

June 2, 2021

Introduced by Sen. RAMOS -- (at request of the Department of Labor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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~~] **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**. 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. 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 of the person**, or if no person is found in charge by affixing a copy thereof conspicuously upon the premises. **For the purposes of this section a person or entity shall be deemed to have consented to electronic communication if they enrolled or registered for electronic notice with the department.**

§ 2. This act shall take effect immediately.

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

LBD09616-02-1