

STATE OF NEW YORK

1908

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to when third-party practice is allowed

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

1 Section 1. Section 1007 of the civil practice law and rules, as
2 amended by chapter 216 of the laws of 1992, is amended to read as
3 follows:

4 § 1007. When third-party practice allowed. After the service of [~~his~~]
5 the answer but no later than filing the note of issue and twenty days,
6 unless consented to by the parties or, upon written application of any
7 of the parties in the main action, the court, in its discretion, extends
8 such time for good cause for the delay, a defendant may [~~proceed against~~
9 ~~a person not a party who is or may be liable to that defendant for all~~
10 ~~or part of the plaintiff's claim against that defendant,~~] implead a
11 third-party by filing pursuant to section three hundred four of this
12 chapter a third-party summons and complaint with the clerk of the court
13 in the county in which the main action is pending, for which a separate
14 index number shall not be issued but a separate index number fee shall
15 be collected. The third-party summons and complaint and all prior plead-
16 ings served in the action shall be served upon such person within one
17 hundred twenty days of the filing. A defendant serving a third-party
18 complaint shall be styled a third-party plaintiff and the person so
19 served shall be styled a third-party defendant. The defendant shall also
20 serve a copy of such third-party complaint upon the plaintiff's attorney
21 simultaneously upon issuance for service of the third-party complaint on
22 the third-party defendant.

23 § 2. This act shall take effect on the first of September next
24 succeeding the date on which it shall have become a law and shall be
25 applicable to all actions commenced on and after such date.

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

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