

STATE OF NEW YORK

4472--A

Cal. No. 123

2023-2024 Regular Sessions

IN ASSEMBLY

February 16, 2023

Introduced by M. of A. RAMOS, WEPRIN, TAYLOR, L. ROSENTHAL, THIELE, COLTON, REYES, CARROLL, JACOBSON, GLICK, SAYEGH, SIMON -- read once and referred to the Committee on Judiciary -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the civil practice law and rules, in relation to time limitations for filing claims for certain injuries

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

1 Section 1. Subdivision 2 of section 214-c of the civil practice law
2 and rules, as added by chapter 682 of the laws of 1986, is amended to
3 read as follows:

4 2. Notwithstanding the provisions of section 214, the three year peri-
5 od within which an action to recover damages for personal injury or
6 injury to property caused by the latent effects of exposure to any
7 substance or combination of substances, in any form, upon or within the
8 body or upon or within property must be commenced shall be computed from
9 the date of discovery of the injury by the plaintiff, which is presumed
10 to be the date the diagnosis was conveyed to the plaintiff or claimant,
11 or from the date when through the exercise of reasonable diligence such
12 injury should have been discovered by the plaintiff, whichever is earli-
13 er.

14 § 2. Subdivision 4 of section 214-c of the civil practice law and
15 rules, as added by chapter 682 of the laws of 1986, is amended to read
16 as follows:

17 4. Notwithstanding the provisions of subdivisions two and three of
18 this section, where the discovery of the specific toxic etiological
19 cause of the injury, including the source of the alleged harm, is
20 alleged to have occurred less than [~~five~~] ten years after discovery of
21 the injury or when with reasonable diligence such injury should have
22 been discovered, whichever is earlier, an action may be commenced or a

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

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1 claim filed within [~~one year~~] three years of such discovery of the cause
2 of the injury; provided, however, if any such action is commenced or
3 claim filed after the period in which it would otherwise have been
4 authorized pursuant to subdivision two or three of this section the
5 plaintiff or claimant shall be required to allege and prove that techni-
6 cal, scientific or medical knowledge and information sufficient to
7 ascertain the cause of his injury had not been discovered, identified or
8 determined, or that after diligent effort the cause was not known by the
9 plaintiff or claimant, prior to the expiration of the period within
10 which the action or claim would have been authorized and that he has
11 otherwise satisfied the requirements of subdivisions two and three of
12 this section.

13 § 3. This act shall take effect immediately.