STATE OF NEW YORK

9478--A

R. R. 194

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. McMAHON, LAVINE, SAYEGH -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Rules -- ordered to a third reading -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the state administrative procedure act and the civil practice law and rules, in relation to use of an affirmation of truth of statement in an administrative proceeding; and to repeal certain provisions of such law relating to making a technical correction thereto

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

Section 1. Section 302 of the state administrative procedure act is amended by adding a new subdivision 4 to read as follows:

4. Affirmation of truth of statement. The statement of any person wherever made, subscribed and affirmed by that person to be true under the penalties of perjury, may be used in an administrative proceeding in New York in lieu of and with the same force and effect as an affidavit. Such affirmation shall be in substantially the following form:

I affirm this day of , , under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an administrative hearing.

(Signature)

§ 2. Subdivision (a) of section 3020 of the civil practice law and rules is amended to read as follows:

(a) Generally. A verification is a statement [~~**under oath**~~]**, subscribed and affirmed to be true under the penalties of perjury in accordance with rule twenty-one hundred six of this chapter,** that the pleading is true to the knowledge of the deponent, except as to matters alleged on information and belief, and that as to those matters [~~**he**~~] **such deponent** believes it to be true. Unless otherwise specified by law, where a pleading is verified, each subsequent pleading shall also be verified, except the answer of an infant and except as to matter in the pleading

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

LBD14709-06-4

concerning which the party would be privileged from testifying as a witness. Where the complaint is not verified, a counterclaim, cross-claim or third-party claim in the answer may be separately verified in the same manner and with the same effect as if it were a separate pleading.

§ 3. Rule 2106 of the civil practice law and rules, as amended by chapter 585 of the laws of 2023, is REPEALED.

§ 4. This act shall take effect immediately.