STATE OF NEW YORK

1295--A

Cal. No. 938

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sens. SANDERS, GOUNARDES, HOYLMAN-SIGAL, JACKSON, KRUEGER, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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:

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

2. Notwithstanding the provisions of section 214, the three year period within which an action to recover damages for personal injury or injury to property caused by the latent effects of exposure to any substance or combination of substances, in any form, upon or within the body or upon or within property must be commenced shall be computed from the date of discovery of the injury by the plaintiff**, which is presumed to be the date the diagnosis was conveyed to the plaintiff or claimant,** or from the date when through the exercise of reasonable diligence such injury should have been discovered by the plaintiff, whichever is earlier.

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

4. Notwithstanding the provisions of subdivisions two and three of this section, where the discovery of the **specific toxic etiological** cause of the injury**, including the source of the alleged harm,** is alleged to have occurred less than [~~five~~] **ten** years after discovery of

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

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the injury or when with reasonable diligence such injury should have been discovered, whichever is earlier, an action may be commenced or a claim filed within [~~one year~~] **three years** of such discovery of the cause of the injury; provided, however, if any such action is commenced or claim filed after the period in which it would otherwise have been authorized pursuant to subdivision two or three of this section the plaintiff or claimant shall be required to allege and prove that technical, scientific or medical knowledge and information sufficient to ascertain the cause of his injury had not been discovered, identified or determined**, or that after diligent effort the cause was not known by the plaintiff or claimant,** prior to the expiration of the period within which the action or claim would have been authorized and that he has otherwise satisfied the requirements of subdivisions two and three of this section.

§ 3. This act shall take effect immediately.