STATE OF NEW YORK

10374

IN SENATE

May 15, 2026

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to remote depositions

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

Section 1. Subdivision (d) of rule 3113 of the civil practice law and rules, as added by chapter 66 of the laws of 2004, is amended to read as follows:

(d) [~~The parties may stipulate that a~~] **A** deposition **may** be taken **remotely** by telephone or other [~~remote~~] electronic means [~~and that a party may participate electronically~~]. The [~~stipulation~~] **notice under rule 3107** shall designate reasonable provisions to ensure that an accurate record of the deposition is generated, **and** shall specify[~~, if appropriate,~~] reasonable provisions for the use of exhibits at the deposition[~~; shall specify who must and who may physically be present at the deposition; and shall provide for any other provisions appropriate under the circumstances~~]. [~~Unless otherwise stipulated to by the parties, the officer~~] **The place of a remote deposition is deemed to be the location where the deponent answers the questions. The person** administering the oath [~~shall~~] **need not** be physically present **with the deponent** at the place of the deposition and [~~the~~] **may administer the oath remotely, provided that the person administering the oath can see and hear the person taking the oath; and, if the oath is taken outside of this state, either (1) the person administering the oath is authorized to administer oaths in the place where the deponent answers the questions, or (2) the deponent acknowledges that the deponent understands that the testimony or statement being made is true under penalties of perjury of the laws of the state of New York. Any** additional costs of conducting the deposition [~~by telephonic or other remote electronic means, such as telephone charges,~~] **remotely** shall be borne by the party requesting that the deposition be conducted by such means. **Unless the court orders otherwise, the parties and the deponent may stipulate to any alternative procedures for depositions taken remotely, including alternative procedures for**

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

LBD15881-01-6

administering the oath. Any party may, at their own expense, attend and participate in a remote deposition in person at the same location as the deponent. In any deposition that is not being taken remotely, any party, other than the deponent, may participate remotely, provided that the remote participant bears any additional cost or expense associated with such participation.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to depositions occurring on or after such effective date.