STATE OF NEW YORK

9502

IN ASSEMBLY

January 7, 2026

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

AN ACT to amend the civil practice law and rules, in relation to time frames for certain court filings; and to amend a chapter of the laws of 2025 amending the civil practice law and rules relating to enacting the "avoiding vexatious overuse of impleading to delay (AVOID) act", as proposed in legislative bills numbers S. 8071-A and A. 8728, in relation to the effectiveness thereof

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

Section 1. Subdivisions (b), (c), (d), and (e) of section 1007 of the civil practice law and rules, as added by a chapter of the laws of 2025 amending the civil practice law and rules relating to enacting the "avoiding vexatious overuse of impleading to delay (AVOID) act", as proposed in legislative bills numbers S. 8071-A and A. 8728, are amended to read as follows:

(b) [~~1.~~] A defendant shall [~~proceed with the filing and serving of a third-party summons and complaint against a person or legal entity who is or may be liable to that defendant for all or part of the plaintiff's claim against that defendant within sixty days after serving an answer upon the plaintiff in the event that such liability arises from a contractual relationship between the defendant and such person or entity, or otherwise within sixty days of becoming aware that such person is or may be liable to the defendant for all or part of a plaintiff's claim.~~

~~2. A third-party defendant who proceeds with the filing of its own third-party summons and complaint, becoming in effect a second third-party plaintiff, shall proceed with the filing and serving of such summons and complaint against a second third-party defendant, within forty-five days after serving an answer.~~

~~3. A second third-party defendant who then proceeds with the filing of its own third-party summons and complaint, becoming in effect a third third-party plaintiff, shall proceed with the filing and serving of such~~

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

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~~summons and complaint against a third third-party defendant within thirty days after serving an answer.~~

~~4. Any subsequent third-party defendant, who proceeds with the filing of its own third-party summons and complaint, becoming in effect an additional third-party plaintiff, shall proceed with the filing of such summons and complaint against an additional third-party defendant within twenty days after serving an answer.~~

~~5. There shall be no extensions of the time periods set forth in this subdivision longer than thirty days without an order of the court, provided that a defendant or third-party defendant may not proceed with the filing and serving a third-party summons and complaint twelve months after having filed an answer in the action without written consent of both the plaintiff and the court~~] not file a third-party summons and complaint more than ninety days after serving its answer without an order of the court.

(c) [~~Notwithstanding subdivision (b) of this section, a defendant or third-party defendant may not proceed with the filing of a~~] No third-party summons and complaint may be filed after the filing of a note of issue unless upon good cause shown or in the interest of justice.

(d) An action filed in violation of this subdivision shall be severed or dismissed without prejudice.

[~~(d) The time periods set forth in~~] (e) Notwithstanding subdivisions (b) and (c) of this section [~~shall not apply when~~], a defendant or third-party defendant [~~seeks to~~] may file [~~and proceed with~~] a third-party summons and complaint against an employer of the plaintiff [~~in the event that either: 1. the defendant or third-party defendant is seeking contribution or indemnification for a grave injury as such term in defined in section eleven of the workers' compensation law, or 2. the identity of such employer had not been known to the defendant or third-party defendant or otherwise identified until the such time periods have expired. In either instance, the defendant or third-party defendant shall proceed with the filing and serving of a summons and complaint within one hundred twenty days after the later of either event. An action in violation of this subdivision shall not be allowed to proceed without written consent of both the plaintiff and the court~~] without an order of the court within ninety days after the later of: 1. the date the identity of the employer of the plaintiff becomes known to the defendant or third-party defendant, or 2. the date the defendant or third-party defendant knows or should know the plaintiff sustained a grave injury, as such term is defined in section eleven of the workers' compensation law.

[~~(e)~~] (f) In the event a third-party action is severed from the initial action pursuant to this section, and a third-party plaintiff proceeds to initiate a new action by the filing of a summons and complaint against a severed third-party defendant, any motion to consolidate such actions shall not be permitted.

§ 2. Section 306-b of the civil practice law and rules, as amended by chapter 473 of the laws of 2011, is amended to read as follows:

§ 306-b. Service of the summons and complaint, summons with notice, [~~third-party summons and complaint,~~] or petition with a notice of petition or order to show cause. Service of the summons and complaint, summons with notice, [~~third-party summons and complaint,~~] or petition with a notice of petition or order to show cause shall be made within one hundred twenty days after the commencement of the action or proceeding, provided that in an action or proceeding, except a proceeding commenced under the election law, where the applicable statute of limi-

tations is four months or less, service shall be made not later than fifteen days after the date on which the applicable statute of limitations expires. If service is not made upon a defendant within the time provided in this section, the court, upon motion, shall dismiss the action without prejudice as to that defendant, or upon good cause shown or in the interest of justice, extend the time for service.

§ 3. Section 3 of a chapter of the laws of 2025 amending the civil practice law and rules relating to enacting the "avoiding vexatious overuse of impleading to delay (AVOID) act", as proposed in legislative bills numbers S. 8071-A and A. 8728, is amended to read as follows:

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to **all** cases [~~**pending**~~] **commenced** on or after such date[~~**; provided, however, this act shall not apply to any third-party summons and complaint filed and served prior to the effective date of this act**~~].

§ 4. This act shall take effect immediately; provided, however, sections one and two of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2025 amending the civil practice law and rules relating to enacting the "avoiding vexatious overuse of impleading to delay (AVOID) act", as proposed in legislative bills numbers S. 8071-A and A. 8728, takes effect.