§ 71. Attorney-general authorized to appear in cases involving the constitutionality of an act of the legislature, or a rule or regulation adopted pursuant thereto. 1. Whenever the constitutionality of a statute, or a rule or regulation adopted pursuant thereto is brought into question upon the trial, hearing or appeal of any action or proceeding, civil or criminal, in any court of record of original or appellate jurisdiction, and proof of the notice of such constitutional challenge, as required by paragraph one of subdivision (b) of section one thousand twelve of the civil practice law and rules, has not been filed, the court or justice before whom such action or proceeding is pending, shall make an order, directing the party desiring to raise such question, to serve notice thereof on the attorney-general, and providing that the attorney-general be permitted to appear at any such trial or hearing in support of the constitutionality of such statute, or rule or regulation adopted pursuant thereto. The court or justice before whom any such action or proceeding is pending may also make such order upon the application of any party thereto, and the court shall make such order in any such action or proceeding upon motion of the attorney-general. When such order has been made in any manner mentioned in this section and notice pursuant to such order has been given, the attorney-general shall be permitted to appear in such action or proceeding in support of the constitutionality of such statute, or a rule or regulation adopted pursuant thereto.

2. In the event the constitutionality of a statute, or rule or regulation adopted pursuant thereto is brought into question and the party questioning such constitutionality, or any other party to the action or proceeding serves the attorney-general pursuant to paragraph one of subdivision (b) of section one thousand twelve of the civil practice law and rules, proof of such service upon the attorney-general shall be accepted by the court in satisfaction of the provisions of subdivision one of this section.

3. The court having jurisdiction in an action or proceeding in which the constitutionality of a statute, rule or regulation is challenged, shall not consider any challenge to the constitutionality of such statute, rule or regulation unless proof of service of the notice

required by this section or required by subdivision (b) of section one thousand twelve of the civil practice law and rules is filed with such court.