

## CHAPTER TEXT:

## LAWS OF NEW YORK, 2004

## CHAPTER 384

AN ACT to amend chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, in relation to authorizing additional counties to participate in such experimental program, and adding to the authorized case types

Became a law August 17, 2004, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

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

Section 1. Section 6 of chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, as amended by chapter 110 of the laws of 2002, is amended to read as follows:

§ 6. Notwithstanding any other provision of law, the chief administrator of the courts, with the approval of the administrative board of the courts, may promulgate rules authorizing an experimental program in which actions and special proceedings in supreme court may be commenced in the supreme court of Albany, Monroe, Westchester, New York, Bronx, Erie, Kings, Queens, Richmond, Nassau, and Suffolk counties [~~and~~], the New York court of claims and the surrogate's court of Erie county. Participation in this program shall be strictly voluntary, and will take place only upon consent. For purposes of this section, "facsimile transmission" and "electronic means" shall be as defined in subdivision (f) of rule 2103 of the civil practice law and rules. The cases subject to filing by facsimile shall be limited to commercial claims, mental hygiene and conservatorship proceedings, tax certiorari claims in Monroe, Westchester, New York and Suffolk counties, and claims against the state of New York. The cases subject to filing by electronic means shall be limited to those involving commercial and tort claims in Albany, Monroe, Westchester, New York, Bronx, Kings, Queens, Richmond, Nassau and Suffolk counties [~~and~~]; commercial claims in Erie county; tax certiorari claims in Monroe, Westchester, New York, Bronx, Kings, Queens, Richmond and Suffolk counties; proceedings in surrogate's court in Erie county; and claims against the state of New York.

§ 2. This act shall take effect immediately, provided, however, that the amendments to section 6 of chapter 367 of the laws of 1999 made by section one of this act shall not affect the repeal of such section and shall be repealed therewith.

EXPLANATION--Matter in italics is new; matter in brackets [~~-~~] is old law to be omitted.

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The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO  
Temporary President of the Senate

SHELDON SILVER  
Speaker of the Assembly

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