

CHAPTER TEXT:

LAWS OF NEW YORK, 2002

CHAPTER 110

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 extending the expiration of the provisions thereof for a year; to amend the court of claims act, in relation to authorizing claims against the state to be filed by facsimile transmission or electronic means; and providing for the repeal of certain provisions upon the expiration thereof

Became a law June 28, 2002, with the approval of the Governor. Passed on message of necessity pursuant to Article III, section 14 of the Constitution 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. Sections 6 and 10 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, are 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, Nassau, and Suffolk counties and the New York court of claims. 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 claims in Albany, Monroe, Westchester, New York, Nassau and Suffolk counties, and tax certiorari claims in Monroe, Westchester, New York and Suffolk counties and claims against the state of New York.

§ 10. This act shall take effect immediately; provided, however, that section 8023 of the civil practice law and rules, as added by section seven of this act and the amendment to paragraph (j) of subdivision 2 of section 212 of the judiciary law made by section eight of this act, and the authority of the chief administrator of the courts to promulgate the rules authorized by section 304 and paragraph 7 of subdivision (b) of rule 2103 of the civil practice law and rules, as amended by section one of this act and as added by section four of this act, respectively,

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

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shall expire July 1, [2002] 2003 when upon such date the amendments made by such sections of this act shall be deemed repealed and provided further, however, that section six of this act shall expire and be deemed repealed July 1, [2002] 2003.

§ 2. Paragraph (i) of subdivision a of section 11 of the court of claims act, as amended by chapter 435 of the laws of 1999, is amended to read as follows:

(i) The claim shall be filed with the clerk of the court; and, except in the case of a claim for the appropriation by the state of lands, a copy shall be served upon the attorney general within the times hereinbefore provided for filing with the clerk of the court either personally or by certified mail, return receipt requested, or, where authorized by rule of the chief administrator of the courts and upon consent of the attorney general [within the times hereinbefore provided for filing with the clerk of the court], by facsimile transmission or electronic means, as defined in subdivision (f) of rule twenty-one hundred three of the civil practice law and rules, in such manner as may be provided by rule of court. Any notice of intention shall be similarly served [personally or by certified mail, return receipt requested,] upon the attorney general within the times hereinbefore provided for service upon the attorney general. Service by certified mail, return receipt requested, upon the attorney general shall not be complete until the claim or notice of intention is received in the office of the attorney general. Personal service upon the attorney general shall be made in the same manner as described in section three hundred seven of the civil practice law and rules.

§ 3. This act shall take effect immediately; provided, however, that section two of this act shall expire and be deemed repealed July 1, 2003.

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