

CHAPTER TEXT:

LAWS OF NEW YORK, 2005

CHAPTER 504

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; and to amend chapter 110 of the laws of 2002, amending the court of claims act relating to authorizing claims against the state to be filed by facsimile transmission or electronic means, in relation to filing by electronic means and extending the expiration of provisions of said chapters for four years

Became a law August 16, 2005, 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 384 of the laws of 2004, is amended to read as follows:

§ 6. (a) 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~~ for the commencement by facsimile transmission or by electronic means of civil actions and [special] proceedings in the supreme court [may be commenced in the supreme court] of Albany, Monroe, Westchester, New York, Bronx, Erie, Kings, Queens, Richmond, Nassau, [and] Suffolk, Niagara, Broome, Essex, Onondaga, and Sullivan counties, the New York court of claims, and the surrogate's court of Erie county.

(b) 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.

(c) 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], tax certiorari, and tort claims in supreme court in Albany, Monroe, Westchester, New York, Bronx, Kings, Queens, Richmond, Nassau [and], Suffolk, Erie, Niagara, Essex, Onondaga, and Sullivan counties~~ [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. In Broome county, all cases in supreme court may be eligible for filing by electronic means treatment.

§ 2. Section 3 of chapter 110 of the laws of 2002, amending the court of claims act relating to authorizing claims against the state to be

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

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filed by facsimile transmission or electronic means, as amended by chapter 261 of the laws of 2003, is amended to read as follows:

§ 3. This act shall take effect immediately; provided, however, that section two of this act shall expire and be deemed repealed September 1, [~~2005~~] 2009.

§ 3. Section 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, as amended by chapter 261 of the laws of 2003, is amended to read as follows:

§ 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, shall expire September 1, [~~2005~~] 2009, 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 September 1, [~~2005~~] 2009.

§ 4. This act shall take effect immediately.

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