

BILL TEXT:

STATE OF NEW YORK

7946

2005-2006 Regular Sessions

IN ASSEMBLY

May 3, 2005

Introduced by M. of A. POWELL -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to requiring all stipulations and court orders to be typewritten

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

1 Section 1. Rule 2104 of the civil practice law and rules, as amended
2 by section 28 of part J of chapter 62 of the laws of 2003, is amended to
3 read as follows:

4 Rule 2104. Stipulations. An agreement between parties or their attor-
5 neys relating to any matter in an action, other than one made between
6 counsel in open court, is not binding upon a party unless it is in a
7 writing which shall be typewritten or electronically printed in clear
8 type, no less than ten point size, and subscribed by [~~him~~] such party or
9 [~~his~~] such party's attorney or reduced to the form of an order and
10 entered. With respect to stipulations of settlement and notwithstanding
11 the form of the stipulation of settlement, the terms of such stipulation
12 shall be filed by the defendant with the county clerk. No stipulation
13 shall be handwritten.

14 § 2. Subdivision (a) of rule 2219 of the civil practice law and rules,
15 as amended by chapter 38 of the laws of 1996, is amended to read as
16 follows:

17 (a) Time and form of order determining motion, generally. An order
18 determining a motion relating to a provisional remedy shall be made
19 within twenty days, and an order determining any other motion shall be
20 made within sixty days, after the motion is submitted for decision. The
21 order shall be in writing, typewritten or electronically printed in
22 clear type, no less than ten point size, and shall be the same in form
23 whether made by a court or a judge out of court. No order shall be hand-
24 written. An order determining a motion made upon supporting papers shall
25 be signed with the judge's signature or initials by the judge who made

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

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1 it, state the court of which he or she is a judge and the place and date
2 of the signature, recite the papers used on the motion, and give the
3 determination or direction in such detail as the judge deems proper.
4 [~~Except~~] Any determination, direction or instruction by the judge shall
5 be typewritten or electronically printed in clear type, no less than ten
6 point size. Provided, that in a town or village court or where otherwise
7 provided by law, upon the request of any party, an order or ruling made
8 by a judge, whether upon written or oral application or sua sponte,
9 shall be reduced to writing or otherwise recorded.
10 § 3. This act shall take effect on the first of January next succeed-
11 ing the date on which it shall have become a law.

SPONSORS MEMO:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)**

BILL NUMBER: A7946

SPONSOR: Powell

TITLE OF BILL: An act to amend the civil practice law and rules, in relation to requiring all stipulations and court orders to be typewritten

PURPOSE OR GENERAL IDEA OF BILL:

To ensure court orders are legible.

SUMMARY OF SPECIFIC PROVISIONS: This bill would amend several parts of Rules 2104 and 2219 of the C.P.L.R. to ensure court orders are typed or electronically printed and therefore legible.

JUSTIFICATION: There is no reason to have handwritten court orders. This is the 21st century. Every court order should come out of a typewriter or computer printer so that it can be clearly legible.

PRIOR LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None

EFFECTIVE DATE: This act shall take effect on the first of January next succeeding the date on which it shall have become a law.