LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019

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No. 112
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Introduced by Council Members Cornegy, Lancman, Kallos, Perkins and Rivera.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers and creating a notification system regarding licensed process servers who have had their licenses suspended, revoked or who have had renewal denied

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-406.3 of the administrative code of the city of New York, as added by local law number 7 for the year 2010, is amended to read as follows:

c. The commissioner [may] *shall* conduct audits of the information required to be kept pursuant to subdivision [(]a[)] of this section in order to monitor compliance with this subchapter. *The commissioner shall conduct annual audits, of the information required to be kept pursuant to subdivision a, for at least 20 percent of the licensed process servers who have certified, pursuant to subdivision d, having served at least one summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceeding that is subject to the provisions of section 110 of the civil court act.*

§ 2. Section 20-406.3 of the administrative code of the city of New York, as added by local law number 7 for the year 2010, is amended by adding a new subdivision d to read as follows:

d. By February 1, 2020 and every six months thereafter, each licensed process server shall submit electronically to the commissioner a certification, in a form to be determined by the

commissioner, stating whether the licensed process server has served at least one summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceeding that is subject to the provisions of section 110 of the civil court act within the immediately prior semi-annual calendar year period.

§ 3. Subdivision a of section 20-409 of the administrative code of the city of New York is amended to read as follows:

a. A license issued hereunder may be suspended or revoked or its renewal denied by the commissioner at any time for the failure of the licensee to comply with any rule, regulation or order promulgated by the commissioner. *Where a license is suspended or revoked or its renewal denied for the reasons set forth in this section, where a penalty is issued pursuant to section 20-409.1 or where such license holder is otherwise disciplined by the commissioner, the commissioner shall post to the department's website and notify all process serving agencies of the suspension, revocation or denial of renewal of such license, the issuance of a penalty pursuant to section 20-409.1 and the reasons for such suspension, revocation or denial of renewal or issuance of such penalty. Such notification and posting shall occur no more than five days from the date the department has suspended, revoked or denied renewal of such license, or issued such penalty.*

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 112 of 2019, Council Int. No. 1258-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.