

438--B

Cal. No. 1162

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee and committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the civil practice law and rules, in relation to increasing penalties for failure to execute and file satisfied judgments of \$5,000 or more with the court clerk

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision (c) of section 5020 of the civil practice law
2 and rules, as amended by chapter 575 of the laws of 1975, is amended to
3 read as follows:
4 (c) When [the] A judgment FOR LESS THAN FIVE THOUSAND DOLLARS is fully
5 satisfied, if the person required to execute and file with the proper
6 clerk pursuant to subdivisions (a) and (d) [hereof] OF THIS SECTION
7 fails or refuses to do so within twenty days after receiving full satis-
8 faction, then the judgment creditor shall be subject to a penalty of one
9 hundred dollars recoverable by the judgment debtor pursuant to [Section
10 7202 of the civil practice law and rules] SECTION SEVENTY-TWO HUNDRED
11 TWO OF THIS CHAPTER or article eighteen of either the New York City
12 civil court act, uniform district court act or uniform city court act.
13 WHEN A JUDGMENT FOR FIVE THOUSAND DOLLARS OR MORE IS FULLY SATISFIED, IF
14 THE PERSON REQUIRED TO EXECUTE AND FILE WITH THE PROPER CLERK PURSUANT
15 TO SUBDIVISIONS (A) AND (D) OF THIS SECTION FAILS OR REFUSES TO DO SO
16 WITHIN TWENTY DAYS AFTER RECEIVING FULL SATISFACTION, THEN THE JUDGMENT

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

LBD01836-07-2

1 CREDITOR SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS RECOVERA-
2 BLE BY THE JUDGMENT DEBTOR PURSUANT TO SECTION SEVENTY-TWO HUNDRED TWO
3 OF THIS CHAPTER OR ARTICLE EIGHTEEN OF EITHER THE NEW YORK CITY CIVIL
4 COURT ACT, UNIFORM DISTRICT COURT ACT OR UNIFORM CITY COURT ACT;
5 provided, however, that such [penalty] PENALTIES shall not be recovera-
6 ble when a city with a population greater than one million persons is
7 the judgment creditor, unless such judgment creditor shall fail to
8 execute and file a satisfaction-piece with the proper clerk pursuant to
9 subdivisions (a) and (d) [hereof] OF THIS SECTION within twenty days
10 after having been served by the judgment debtor with a written demand
11 therefor by certified mail, return receipt requested.
12 S 2. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law.