

3159

2013-2014 Regular Sessions

I N S E N A T E

January 31, 2013

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the uniform city court act, the uniform district court act, the uniform justice court act and the New York city civil court act, in relation to obtaining jurisdiction over certain defendants

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

1 Section 1. Section 1801 of the uniform city court act, as amended by
2 chapter 65 of the laws of 2010, is amended to read as follows:
3 S 1801. Small claims defined.
4 The term "small claim" or "small claims" as used in this act shall
5 mean and include any cause of action for money only not in excess of
6 five thousand dollars exclusive of interest and costs, or any action
7 commenced by a party aggrieved by an arbitration award rendered pursuant
8 to part 137 of the rules of the chief administrator of the courts (22
9 NYCRR Part 137) in which the amount in dispute does not exceed \$5,000,
10 provided that the defendant either resides, or has an office for the
11 transaction of business or a regular employment[,] WITHIN THE COUNTY, OR
12 WHERE THE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED
13 BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND
14 SUCH REAL PROPERTY IS SITUATED within the county.
15 S 2. Subdivision (a) of section 1803 of the uniform city court act, as
16 amended by chapter 309 of the laws of 1996, the opening paragraph as
17 amended by section 1 of part B of chapter 686 of the laws of 2003, is
18 amended to read as follows:
19 (a) Small claims shall be commenced upon the payment by the claimant
20 of a filing fee of fifteen dollars for claims in the amount of one thou-
21 sand dollars or less and twenty dollars for claims in the amount of more
22 than one thousand dollars, without the service of a summons and, except
23 by special order of the court, without the service of any pleading other
24 than a statement of his cause of action by the claimant or someone in

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

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1 his behalf to the clerk, who shall reduce the same to a concise, written
2 form and record it in a docket kept especially for such purpose. Such
3 procedure shall provide for the sending of notice of such claim by ordi-
4 nary first class mail and certified mail with return receipt requested
5 to the party complained against (1) at his residence, if he resides
6 within the county, and his residence is known to the claimant, or (2) at
7 his office or place of regular employment within the county if he does
8 not reside therein or his residence within the county is not known to
9 the claimant, OR (3) WHERE THE CLAIMANT IS OR WAS A TENANT OR LESSEE OF
10 REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH
11 TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT UNDER PARAGRAPH
12 ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE COUNTY OR AN ADJOIN-
13 ING COUNTY WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH
14 REAL PROPERTY. If, after the expiration of twenty-one days, such ordi-
15 nary first class mailing has not been returned as undeliverable, the
16 party complained against shall be presumed to have received notice of
17 such claim. Such notice shall include a clear description of the proce-
18 dure for filing a counterclaim, pursuant to subdivision (c) of this
19 section.

20 Such procedure shall further provide for an early hearing upon and
21 determination of such claim. No filing fee, however, shall be demanded
22 or received on small claims of employees who shall comply with S 1912 of
23 this act which is hereby made applicable, except that necessary mailing
24 costs shall be paid.

25 S 3. Section 1801 of the uniform district court act, as amended by
26 chapter 65 of the laws of 2010, is amended to read as follows:
27 S 1801. Small claims defined.

28 The term "small claim" or "small claims" as used in this act shall
29 mean and include any cause of action for money only not in excess of
30 five thousand dollars exclusive of interest and costs, or any action
31 commenced by a party aggrieved by an arbitration award rendered pursuant
32 to part one hundred thirty-seven of the rules of the chief administrator
33 of the courts (22 NYCRR Part 137) in which the amount in dispute does
34 not exceed five thousand dollars, provided that the defendant either
35 resides, or has an office for the transaction of business or a regular
36 employment[,] WITHIN A DISTRICT OF THE COURT IN THE COUNTY, OR WHERE THE
37 CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE
38 DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL
39 PROPERTY IS SITUATED within a district of the court in the county.

40 S 4. Subdivision (a) of section 1803 of the uniform district court
41 act, as amended by section 31 of part J of chapter 62 of the laws of
42 2003, is amended to read as follows:

43 (a) Small claims shall be commenced upon the payment by the claimant
44 of a filing fee of fifteen dollars for claims in the amount of one thou-
45 sand dollars or less and twenty dollars for claims in the amount of more
46 than one thousand dollars, without the service of a summons and, except
47 by special order of the court, without the service of any pleading other
48 than a statement of his cause of action by the claimant or someone in
49 his behalf to the clerk, who shall reduce the same to a concise, written
50 form and record it in a docket kept especially for such purpose. Such
51 procedure shall provide for the sending of notice of such claim by ordi-
52 nary first class mail and certified mail with return receipt requested
53 to the party complained against (1) at his residence, if he resides
54 within a district of the court in the county, and his residence is known
55 to the claimant, or (2) at his office or place of regular employment
56 within such a district if he does not reside therein or his residence

1 within such a district is not known to the claimant, OR (3) WHERE CLAIM-
2 ANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT
3 AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM
4 CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY
5 PLACE IN THE STATE WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND
6 AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days,
7 such ordinary first class mailing has not been returned as undelivera-
8 ble, the party complained against shall be presumed to have received
9 notice of such claim. Such notice shall include a clear description of
10 the procedure for filing a counterclaim, pursuant to subdivision (c) of
11 this section.

12 Such procedure shall further provide for an early hearing upon and
13 determination of such claim. No filing fee, however, shall be demanded
14 or received on small claims of employees who shall comply with S 1912
15 (a) of this act which is hereby made applicable, except that necessary
16 mailing costs shall be paid.

17 S 5. Section 1801 of the uniform justice court act, as amended by
18 chapter 76 of the laws of 1994, is amended to read as follows:
19 S 1801. Small claims defined.

20 The term "small claim" or "small claims" as used in this act shall
21 mean and include any cause of action for money only not in excess of
22 three thousand dollars exclusive of interest and costs, provided that
23 the defendant either resides, or has an office for the transaction of
24 business or a regular employment[,] WITHIN THE MUNICIPALITY WHERE THE
25 COURT IS LOCATED, OR WHERE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL
26 PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR
27 LEASE, AND SUCH REAL PROPERTY IS SITUATED within the municipality where
28 the court is located. However, where a judge of the county court, pursu-
29 ant to subdivision (g) of section three hundred twenty-five of the civil
30 practice law and rules, transfers a small claim from the town or village
31 court having jurisdiction over the matter to another town or village
32 court within the same county, the court to which it is transferred shall
33 have jurisdiction to determine the claim.

34 S 6. Subdivision (a) of section 1803 of the uniform justice court act,
35 as amended by chapter 309 of the laws of 1996, is amended to read as
36 follows:

37 (a) Small claims shall be commenced upon the payment by the claimant
38 of a filing fee of ten dollars for claims in the amount of one thousand
39 dollars or less and fifteen dollars for claims in the amount of more
40 than one thousand dollars, without the service of a summons and, except
41 by special order of the court, without the service of any pleading other
42 than a statement of his cause of action by the claimant or someone in
43 his behalf to the clerk, who shall reduce the same to a concise, written
44 form and record it in a filing system maintained especially for such
45 purpose. Such procedure shall provide for the sending of notice of such
46 claim by ordinary first class mail and certified mail with return
47 receipt requested to the party complained against (1) at his residence,
48 if he resides within the county and his residence is known to the claim-
49 ant, or (2) at his office or place of regular employment within the
50 municipality if he does not reside within the county or his residence
51 within the county is not known to the claimant, OR (3) WHERE CLAIMANT IS
52 OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND
53 THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM
54 CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY
55 PLACE IN THE COUNTY OR AN ADJOINING COUNTY WHERE CLAIMANT MAY MAIL OR
56 OTHERWISE DELIVER RENT AND AT SUCH REAL PROPERTY. If, after the expira-

tion of twenty-one days, such ordinary first class mailing has not been returned as undeliverable, the party complained against shall be presumed to have received notice of such claim. Such notice shall include a clear description of the procedure for filing a counterclaim, pursuant to subdivision (c) of this section.

Such procedure shall further provide for an early hearing upon and determination of such claim. No filing fee, however, shall be demanded or received on small claims of employees who shall comply with section nineteen hundred twelve of this act which is hereby made applicable, except that necessary mailing costs shall be paid.

S 7. Section 1801 of the New York city civil court act, as amended by chapter 65 of the laws of 2010, is amended to read as follows:

S 1801. Small claims defined. The term "small claim" or "small claims" as used in this act shall mean and include any cause of action for money only not in excess of five thousand dollars exclusive of interest and costs, or any action commenced by a party aggrieved by an arbitration award rendered pursuant to part 137 of the rules of the chief administrator of the courts (22 NYCRR Part 137) in which the amount in dispute does not exceed five thousand dollars, provided that the defendant either resides, or has an office for the transaction of business or a regular employment[,] WITHIN THE CITY OF NEW YORK, OR WHERE CLAIMANT IS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS SITUATED within the city of New York.

S 8. Subdivision (a) of section 1803 of the New York city civil court act, as amended by section 34 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

(a) Small claims shall be commenced upon the payment by the claimant of a filing fee of fifteen dollars for claims in the amount of one thousand dollars or less and twenty dollars for claims in the amount of more than one thousand dollars, without the service of a summons and, except by special order of the court, without the service of any pleading other than a statement of his cause of action by the claimant or someone in his behalf to the clerk, who shall reduce the same to a concise, written form and record it in a docket kept especially for such purpose. Such procedure shall provide for the sending of notice of such claim by ordinary first class mail and certified mail with return receipt requested to the party complained against (1) at his residence, if he resides within the city of New York, and his residence is known to the claimant, or (2) at his office or place of regular employment within the city of New York if he does not reside therein or his residence within the city of New York is not known to the claimant, OR (3) WHERE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE STATE WHERE PLAINTIFF MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days, such ordinary first class mailing has not been returned as undeliverable, the party complained against shall be presumed to have received notice of such claim. Such notice shall include a clear description of the procedure for filing a counterclaim, pursuant to subdivision (c) of this section.

Such procedure shall further provide for an early hearing upon and determination of such claim. No filing fee, however, shall be demanded or received on small claims of employees who shall comply with S 1912

1 (a) of this act which is hereby made applicable, except that necessary
2 mailing costs shall be paid.
3 S 9. This act shall take effect on the first of September next
4 succeeding the date on which it shall have become a law.