

STATE OF NEW YORK

5837

2017-2018 Regular Sessions

IN ASSEMBLY

February 16, 2017

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to a referee's compensation

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

1 Section 1. Section 8003 of the civil practice law and rules, as
2 amended by chapter 700 of the laws of 1976, subdivision (b) as amended
3 by chapter 225 of the laws of 1996 and subdivision (c) as added by chap-
4 ter 840 of the laws of 1983, is amended to read as follows:

5 § 8003. Referees. (a) Generally. A referee is entitled, for each
6 day spent in the business of the reference, to three hundred fifty
7 dollars unless a different compensation is fixed by the court or by the
8 consent in writing of all parties not in default for failure to appear
9 or plead.

10 (b) Upon sale of real property. A referee appointed to sell real
11 property pursuant to a judgment is entitled to the same fees and
12 disbursements as those allowed to a sheriff. Where a referee is required
13 to take security upon a sale, or to distribute, apply, or ascertain and
14 report upon the distribution or application of any of the proceeds of
15 the sale, he or she is also entitled to one-half of the commissions upon
16 the amount secured, distributed or applied as are allowed by law to an
17 executor or administrator for receiving and paying out money. Commis-
18 sions in excess of fifty dollars shall not be allowed upon a sum bid by
19 a party, and applied upon that party's judgment, without being paid to
20 the referee. A referee's compensation, including commissions, upon a
21 sale pursuant to a judgment in any action cannot exceed [~~five~~] seven
22 hundred fifty dollars, unless the property sold for fifty thousand
23 dollars or more, in which event the referee may receive such additional
24 compensation as to the court may seem proper.

25 (c) This section shall not apply to judicial hearing officers who have
26 been designated referees.

27 § 2. This act shall take effect immediately.

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

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