

STATE OF NEW YORK

7801

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. LAVINE -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to prima facie proof of damages

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

1 Section 1. Rule 4533-a of the civil practice law and rules, as amended
2 by chapter 249 of the laws of 1988, is amended to read as follows:

3 Rule 4533-a. Prima facie proof of damages. [~~As~~] Except in small claims
4 actions as defined by section eighteen hundred one of the New York city
5 civil court act, section eighteen hundred one of the uniform city court
6 act, section eighteen hundred one of the uniform district court act, and
7 section eighteen hundred one of the uniform justice court act, an item-
8 ized bill or invoice, receipted or marked paid, for services or repairs
9 of an amount not in excess of [~~two~~] **five** thousand dollars is admissible
10 in evidence and is prima facie evidence of the reasonable value and
11 necessity of such services or repairs itemized therein in any civil
12 action provided it bears a certification by the person, firm or corpo-
13 ration, or an authorized agent or employee thereof, rendering such
14 services or making such repairs and charging for the same, and contains
15 a verified statement that no part of the payment received therefor will
16 be refunded to the debtor, and that the amounts itemized therein are the
17 usual and customary rates charged for such services or repairs by the
18 affiant or his employer; and provided further that a true copy of such
19 itemized bill or invoice together with a notice of intention to intro-
20 duce such bill or invoice into evidence pursuant to this rule is served
21 upon each party at least ten days before the trial. No more than one
22 bill or invoice from the same person, firm or corporation to the same
23 debtor shall be admissible in evidence under this rule in the same
24 action.

25 § 2. This act shall take effect immediately and shall apply to all
26 actions and proceedings commenced on and after such effective date.

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

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