S T A T E O F N E W Y O R K

5363

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. TITUS, CARROZZA -- Multi-Sponsored by -- M. of A. CLARK, NOLAN, PHEFFER -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to certain fees payable to the county clerk

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

Section 1. Subdivision (a) of section 8020 of the civil practice law and rules, as amended by section 25 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

(a) Placing cause on calendar. For placing a cause on a calendar for trial or inquest, one hundred twenty-five dollars in the supreme court and county court; except that where rules of the chief administrator of the courts require that a request for judicial intervention be made in an action pending in supreme court or county court, the county clerk shall be entitled to a fee of ninety-five dollars, payable before a judge may be assigned pursuant to such request, and thereafter, for placing such a cause on a calendar for trial or inquest, the county clerk shall be entitled to an additional fee of thirty dollars, and no other fee may be charged thereafter pursuant to this subdivision; except that the county clerk shall be entitled to a fee of forty-five dollars upon the filing of each motion or cross motion in such action. However, no fee shall be imposed;

1. for a motion which seeks leave to proceed as a poor person pursuant to subdivision (a) of section eleven hundred one of this chapter; OR

2. FOR A MOTION FILED BY THE FIDUCIARY, COURT EVALUATOR, GUARDIAN AD LITEM, COURT-APPOINTED ATTORNEY OR BY THE COURT EXAMINER IN ANY GUARDIANSHIP MATTER UNDER ARTICLE EIGHTY-ONE OF THE MENTAL HYGIENE LAW.

S 2. This act shall take effect immediately.

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

LBD04449-01-9