

7922

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. ROSENTHAL, TITUS, DenDEKKER, KELLNER, HOOPER,
SPANNO, MILLMAN -- Multi-Sponsored by -- M. of A. COOK, DINOWITZ,
GLICK, GOTTFRIED -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to
increasing penalties for failure to execute and file satisfied judgments
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 judgment is fully satisfied, if the person required to
5 execute and file with the proper clerk pursuant to subdivisions (a) and
6 (d) [hereof] OF THIS SECTION fails or refuses to do so within twenty
7 days after receiving full satisfaction, then the judgment creditor shall
8 be subject to a penalty of one [hundred] THOUSAND dollars recoverable by
9 the judgment debtor pursuant to [Section 7202 of the civil practice law
10 and rules] SECTION SEVENTY-TWO HUNDRED TWO OF THIS CHAPTER or article
11 eighteen of either the New York City civil court act, uniform district
12 court act or uniform city court act; provided, however, that such penalty
13 shall not be recoverable when a city with a population greater than
14 one million persons is the judgment creditor, unless such judgment creditor
15 shall fail to execute and file a satisfaction-piece with the proper
16 clerk pursuant to subdivisions (a) and (d) [hereof] OF THIS SECTION
17 within twenty days after having been served by the judgment debtor with
18 a written demand therefor by certified mail, return receipt requested.
19 S 2. This act shall take effect on the one hundred eightieth day after
20 it shall have become a law.

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

LBD09214-01-9