

8394

2009-2010 Regular Sessions

I N A S S E M B L Y

May 19, 2009

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

AN ACT to amend the New York city civil court act, the uniform district court act and the uniform city court act, in relation to granting jurisdiction to entertain certain declaratory judgment actions commenced pursuant to the fee dispute resolution program

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

1 Section 1. Section 212-a of the New York city civil court act, as  
2 amended by chapter 11 of the laws of 1984, is amended to read as  
3 follows:

4 S 212-a. Declaratory judgments involving obligations of insurers AND  
5 DE NOVO REVIEW UNDER PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR OF  
6 THE COURTS (22 NYCRR PART 137). The court shall have the jurisdiction  
7 defined in section 3001 of the CPLR to make a declaratory judgment with  
8 respect to:

9 (A) any controversy involving the obligation of an insurer to indem-  
10 nify or defend a defendant in an action in which the amount sought to be  
11 recovered does not exceed \$25,000; AND

12 (B) ACTIONS COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION AWARD  
13 RENDERED PURSUANT TO PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR IN  
14 WHICH THE AMOUNT IN DISPUTE DOES NOT EXCEED \$25,000.

15 S 2. Section 1801 of the New York city civil court act, as amended by  
16 chapter 601 of the laws of 2003, is amended to read as follows:

17 S 1801. Small claims defined. The term "small claim" or "small claims"  
18 as used in this act shall mean and include any cause of action for money  
19 only not in excess of five thousand dollars exclusive of interest and  
20 costs, OR ANY ACTION COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION  
21 AWARD RENDERED PURSUANT TO PART 137 OF THE RULES OF THE CHIEF ADMINIS-  
22 TRATOR OF THE COURTS (22 NYCRR PART 137) IN WHICH THE AMOUNT IN DISPUTE

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

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1 DOES NOT EXCEED FIVE THOUSAND DOLLARS, provided that the defendant  
2 either resides, or has an office for the transaction of business or a  
3 regular employment, within the city of New York.

4 S 3. Section 1805 of the New York city civil court act is amended by  
5 adding a new subdivision (f) to read as follows:

6 (F) THE COURT SHALL HAVE THE JURISDICTION DEFINED IN SECTION THREE  
7 THOUSAND ONE OF THE CPLR TO MAKE A DECLARATORY JUDGMENT WITH RESPECT TO  
8 ACTIONS COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED  
9 PURSUANT TO PART ONE HUNDRED THIRTY-SEVEN OF THE RULES OF THE CHIEF  
10 ADMINISTRATOR (22 NYCRR PART 137) IN WHICH THE AMOUNT IN DISPUTE DOES  
11 NOT EXCEED FIVE THOUSAND DOLLARS.

12 S 4. The uniform district court act is amended by adding a new section  
13 212-a to read as follows:

14 S 212-A. DECLARATORY JUDGMENTS INVOLVING DE NOVO REVIEW UNDER PART 137  
15 OF THE RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS (22  
16 NYCRR PART 137).

17 THE COURT SHALL HAVE THE JURISDICTION DEFINED IN SECTION 3001 OF THE  
18 CPLR TO MAKE A DECLARATORY JUDGMENT WITH RESPECT TO ACTIONS COMMENCED BY  
19 A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED PURSUANT TO PART ONE  
20 HUNDRED THIRTY-SEVEN OF THE RULES OF THE CHIEF ADMINISTRATOR IN WHICH  
21 THE AMOUNT IN DISPUTE DOES NOT EXCEED FIFTEEN THOUSAND DOLLARS.

22 S 5. Section 1801 of the uniform district court act, as amended by  
23 chapter 601 of the laws of 2003, is amended to read as follows:

24 S 1801. Small claims defined.

25 The term "small claim" or "small claims" as used in this act shall  
26 mean and include any cause of action for money only not in excess of  
27 five thousand dollars exclusive of interest and costs, OR ANY ACTION  
28 COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED PURSUANT  
29 TO PART ONE HUNDRED THIRTY-SEVEN OF THE RULES OF THE CHIEF ADMINISTRATOR  
30 OF THE COURTS (22 NYCRR PART 137) IN WHICH THE AMOUNT IN DISPUTE DOES  
31 NOT EXCEED FIVE THOUSAND DOLLARS, provided that the defendant either  
32 resides, or has an office for the transaction of business or a regular  
33 employment, within a district of the court in the county.

34 S 6. Section 1805 of the uniform district court act is amended by  
35 adding a new subdivision (f) to read as follows:

36 (F) THE COURT SHALL HAVE THE JURISDICTION DEFINED IN SECTION THREE  
37 THOUSAND ONE OF THE CIVIL PRACTICE LAW AND RULES TO MAKE A DECLARATORY  
38 JUDGMENT WITH RESPECT TO ACTIONS COMMENCED BY A PARTY AGGRIEVED BY AN  
39 ARBITRATION AWARD RENDERED PURSUANT TO PART ONE HUNDRED THIRTY-SEVEN OF  
40 THE RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS (22 NYCRR PART 137)  
41 IN WHICH THE AMOUNT IN DISPUTE DOES NOT EXCEED FIVE THOUSAND DOLLARS.

42 S 7. The uniform city court act is amended by adding a new section  
43 212-a to read as follows:

44 S 212-A. DECLARATORY JUDGMENTS INVOLVING DE NOVO REVIEW UNDER PART 137  
45 OF THE RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS (22  
46 NYCRR PART 137).

47 THE COURT SHALL HAVE THE JURISDICTION DEFINED IN SECTION 3001 OF THE  
48 CPLR TO MAKE A DECLARATORY JUDGMENT WITH RESECT TO ACTIONS COMMENCED BY  
49 A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED PURSUANT TO PART 137  
50 OF THE RULES OF THE CHIEF ADMINISTRATOR IN WHICH THE AMOUNT IN DISPUTE  
51 DOES NOT EXCEED \$15,000.

52 S 8. Section 1801 of the uniform city court act, as amended by chapter  
53 601 of the laws of 2003, is amended to read as follows:

54 S 1801. Small claims defined.

55 The term "small claim" or "small claims" as used in this act shall  
56 mean and include any cause of action for money only not in excess of

1 five thousand dollars exclusive of interest and costs, OR ANY ACTION  
2 COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED PURSUANT  
3 TO PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS (22  
4 NYCRR PART 137) IN WHICH THE AMOUNT IN DISPUTE DOES NOT EXCEED \$5,000,  
5 provided that the defendant either resides, or has an office for the  
6 transaction of business or a regular employment, within the county.

7 S 9. Section 1805 of the uniform city court act is amended by adding a  
8 new subdivision (f) to read as follows:

9 (F) THE COURT SHALL HAVE THE JURISDICTION DEFINED IN SECTION 3001 OF  
10 THE CPLR TO MAKE A DECLARATORY JUDGMENT WITH RESPECT TO ACTIONS  
11 COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED PURSUANT  
12 TO PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS (22  
13 NYCRR PART 137) IN WHICH THE AMOUNT IN DISPUTE DOES NOT EXCEED \$5,000.

14 S 10. This act shall take effect on the first of January next succeed-  
15 ing the date on which it shall have become a law and shall apply to  
16 actions commenced on or after such effective date.