

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

S. 1759

A. 4702

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

February 5, 2009

IN SENATE -- Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

IN ASSEMBLY -- Introduced by M. of A. JEFFRIES, KAVANAGH -- read once and referred to the Committee on Judiciary

AN ACT to amend the New York city civil court act, in relation to commencement of a small claims action

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

1 Section 1. Subdivision (a) of section 1803 of the New York city civil
2 court act, as amended by section 34 of part J of chapter 62 of the laws
3 of 2003, is amended to read as follows:
4 (a) Small claims shall be commenced upon the payment by the claimant
5 of a filing fee of fifteen dollars for claims in the amount of one thousand
6 dollars or less and twenty dollars for claims in the amount of more
7 than one thousand dollars, without the service of a summons and, except
8 by special order of the court, without the service of any pleading other
9 than a statement of his cause of action by the claimant or someone in
10 his behalf to the clerk, who shall reduce the same to a concise, written
11 form and record it in a docket kept especially for such purpose. Such
12 procedure shall provide for the sending of notice of such claim by
13 [ordinary first class mail and] certified mail with return receipt
14 requested to the party complained against at his residence, if he
15 resides within the city of New York, and his residence is known to the
16 claimant, or at his office or place of regular employment within the
17 city of New York if he does not reside therein or his residence within
18 the city of New York is not known to the claimant. [If, after the expiration
19 of twenty-one days, such ordinary first class mailing has not
20 been returned as undeliverable, the party complained against shall be
21 presumed to have received notice of such claim.] Such notice shall

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

LBD06374-01-9

1 include a clear description of the procedure for filing a counterclaim,
2 pursuant to subdivision (c) of this section.
3 Such procedure shall further provide for an early hearing upon and
4 determination of such claim. No filing fee, however, shall be demanded
5 or received on small claims of employees who shall comply with S 1912
6 (a) of this act which is hereby made applicable, except that necessary
7 mailing costs shall be paid.
8 S 2. This act shall take effect immediately and shall apply to
9 actions commenced on and after such date.