

3680

2009-2010 Regular Sessions

I N S E N A T E

March 27, 2009

Introduced by Sen. SAMPSON -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the New York city civil court act, the uniform district court act, the uniform city court act and the uniform justice 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-

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

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1 TRATOR OF THE COURTS (22 NYCRR PART 137) IN WHICH THE AMOUNT IN DISPUTE
2 DOES NOT EXCEED FIVE THOUSAND DOLLARS, provided that the defendant
3 either resides, or has an office for the transaction of business or a
4 regular employment, within the city of New York.

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

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

13 S 4. The uniform district court act is amended by adding a new section
14 212-a to read as follows:

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

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

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

25 S 1801. Small claims defined.

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

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

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

43 S 7. The uniform city court act is amended by adding a new section
44 212-a to read as follows:

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

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

53 S 8. Section 1801 of the uniform city court act, as amended by chapter
54 601 of the laws of 2003, is amended to read as follows:

55 S 1801. Small claims defined.

1 The term "small claim" or "small claims" as used in this act shall
2 mean and include any cause of action for money only not in excess of
3 five thousand dollars exclusive of interest and costs, OR ANY ACTION
4 COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED PURSUANT
5 TO PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS (22
6 NYCRR PART 137) IN WHICH THE AMOUNT IN DISPUTE DOES NOT EXCEED \$5,000,
7 provided that the defendant either resides, or has an office for the
8 transaction of business or a regular employment, within the county.

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

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

16 S 10. The uniform justice court act is amended by adding a new section
17 212-a to read as follows:

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

21 THE COURT SHALL HAVE THE JURISDICTION DEFINED IN SECTION 3001 OF THE
22 CPLR TO MAKE A DECLARATORY JUDGMENT WITH RESPECT TO ACTIONS COMMENCED BY
23 A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED PURSUANT TO PART 137
24 OF THE RULES OF THE CHIEF ADMINISTRATOR IN WHICH THE AMOUNT IN DISPUTE
25 DOES NOT EXCEED \$3,000.

26 S 11. This act shall take effect on the first of January next succeed-
27 ing the date on which it shall have become a law and shall apply to
28 actions commenced on or after such effective date.