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

7788

2009-2010 Regular Sessions

I N A S S E M B L Y

April 23, 2009

Introduced by M. of A. WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to requiring sheriffs to accept cash, certified checks and credit cards for the sale of personal property

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

Section 1. Subdivision (a) of section 5233 of the civil practice law and rules, such section as renumbered by chapter 315 of the laws of 1962, is amended to read as follows:

(a) Public auction. The interest of the judgment debtor in personal property obtained by a sheriff pursuant to execution or order, other than legal tender of the United States, shall be sold by the sheriff at public auction at such time and place and as a unit or in such lots, or combination thereof, as in his judgment will bring the highest price, but no sale may be made to that sheriff or to his deputy or undersheriff. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE SHERIFF SHALL ACCEPT CASH, CERTIFIED CHECKS AND CREDIT CARDS AS PAYMENT FOR THE PURCHASE OF PERSONAL PROPERTY SOLD PURSUANT TO THIS SUBDIVISION. The property shall be present and within the view of those attending the sale unless otherwise ordered by the court.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD11282-01-9