

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,
SPANIO, MILLMAN -- Multi-Sponsored by -- M. of A. COOK, DINOWITZ,
GLICK, GOTTFRIED -- read once and referred to the Committee on Judici-
ary

AN ACT to amend the civil practice law and rules, in relation to
increasing penalties for failure to execute and file satisfied judg-
ments with the court clerk

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 penal-
13 ty shall not be recoverable when a city with a population greater than
14 one million persons is the judgment creditor, unless such judgment cred-
15 itor 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