

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

3680--A

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 -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 indemnify or defend a defendant in an action in which the amount sought to be
10 recovered does not exceed \$25,000; AND
11 (B) ACTIONS COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION AWARD
12 RENDERED PURSUANT TO PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR IN
13 WHICH THE AMOUNT IN DISPUTE DOES NOT EXCEED \$25,000.
14 S 2. Section 1801 of the New York city civil court act, as amended by
15 chapter 601 of the laws of 2003, is amended to read as follows:
16 S 1801. Small claims defined. The term "small claim" or "small claims"
17 as used in this act shall mean and include any cause of action for money
18 only not in excess of five thousand dollars exclusive of interest and
19

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

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costs, OR ANY ACTION COMMENCED BY A PARTY AGGRIEVED BY AN ARBITRATION AWARD RENDERED PURSUANT TO PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS (22 NYCRR PART 137) IN WHICH THE AMOUNT IN DISPUTE DOES NOT EXCEED FIVE THOUSAND DOLLARS, provided that the defendant either resides, or has an office for the transaction of business or a regular employment, within the city of New York.

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

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

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

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

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

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

S 1801. Small claims defined.

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

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

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

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

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

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

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

1 S 1801. Small claims defined.

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

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

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

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