

4781

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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

AN ACT to amend the uniform city court act, the uniform district court act, the uniform justice court act and the New York city civil court act, in relation to obtaining jurisdiction over certain defendants

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

1 Section 1. Section 1801 of the uniform city court act, as amended by
2 chapter 601 of the laws of 2003, is amended to read as follows:
3 S 1801. Small claims defined.

4 The term "small claim" or "small claims" as used in this act shall
5 mean and include any cause of action for money only not in excess of
6 five thousand dollars exclusive of interest and costs, provided that the
7 defendant either resides, or has an office for the transaction of busi-
8 ness or a regular employment[,] WITHIN THE COUNTY, OR WHERE THE CLAIMANT
9 IS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE
10 CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS SITU-
11 ATED within the county.

12 S 2. Subdivision (a) of section 1803 of the uniform city court act, as
13 amended by chapter 309 of the laws of 1996, the opening paragraph as
14 amended by section 1 of part B of chapter 686 of the laws of 2003, is
15 amended to read as follows:

16 (a) Small claims shall be commenced upon the payment by the claimant
17 of a filing fee of fifteen dollars for claims in the amount of one thou-
18 sand dollars or less and twenty dollars for claims in the amount of more
19 than one thousand dollars, without the service of a summons and, except
20 by special order of the court, without the service of any pleading other
21 than a statement of his cause of action by the claimant or someone in
22 his behalf to the clerk, who shall reduce the same to a concise, written
23 form and record it in a docket kept especially for such purpose. Such
24 procedure shall provide for the sending of notice of such claim by ordi-

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

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1 nary first class mail and certified mail with return receipt requested
2 to the party complained against (1) at his residence, if he resides
3 within the county, and his residence is known to the claimant, or (2) at
4 his office or place of regular employment within the county if he does
5 not reside therein or his residence within the county is not known to
6 the claimant, OR (3) WHERE THE CLAIMANT IS A TENANT OR LESSEE OF REAL
7 PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR
8 LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO
9 OF THIS SUBDIVISION, AT ANY PLACE IN THE COUNTY OR AN ADJOINING COUNTY
10 WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH REAL PROP-
11 ERTY. If, after the expiration of twenty-one days, such ordinary first
12 class mailing has not been returned as undeliverable, the party
13 complained against shall be presumed to have received notice of such
14 claim. Such notice shall include a clear description of the procedure
15 for filing a counterclaim, pursuant to subdivision (c) of this section.

16 Such procedure shall further provide for an early hearing upon and
17 determination of such claim. No filing fee, however, shall be demanded
18 or received on small claims of employees who shall comply with S 1912 of
19 this act which is hereby made applicable, except that necessary mailing
20 costs shall be paid.

21 S 3. Section 1801 of the uniform district court act, as amended by
22 chapter 601 of the laws of 2003, is amended to read as follows:
23 S 1801. Small claims defined.

24 The term "small claim" or "small claims" as used in this act shall
25 mean and include any cause of action for money only not in excess of
26 five thousand dollars exclusive of interest and costs, provided that the
27 defendant either resides, or has an office for the transaction of busi-
28 ness or a regular employment[,] WITHIN A DISTRICT OF THE COURT IN THE
29 COUNTY, OR WHERE THE CLAIMANT IS A TENANT OR LESSEE OF REAL PROPERTY
30 OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE,
31 AND SUCH REAL PROPERTY IS SITUATED within a district of the court in the
32 county.

33 S 4. Subdivision (a) of section 1803 of the uniform district court
34 act, as amended by section 31 of part J of chapter 62 of the laws of
35 2003, is amended to read as follows:

36 (a) Small claims shall be commenced upon the payment by the claimant
37 of a filing fee of fifteen dollars for claims in the amount of one thou-
38 sand dollars or less and twenty dollars for claims in the amount of more
39 than one thousand dollars, without the service of a summons and, except
40 by special order of the court, without the service of any pleading other
41 than a statement of his cause of action by the claimant or someone in
42 his behalf to the clerk, who shall reduce the same to a concise, written
43 form and record it in a docket kept especially for such purpose. Such
44 procedure shall provide for the sending of notice of such claim by ordi-
45 nary first class mail and certified mail with return receipt requested
46 to the party complained against (1) at his residence, if he resides
47 within a district of the court in the county, and his residence is known
48 to the claimant, or (2) at his office or place of regular employment
49 within such a district if he does not reside therein or his residence
50 within such a district is not known to the claimant, OR (3) WHERE CLAIM-
51 ANT IS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND
52 THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM
53 CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY
54 PLACE IN THE STATE WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND
55 AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days,
56 such ordinary first class mailing has not been returned as undelivera-

1 ble, the party complained against shall be presumed to have received
2 notice of such claim. Such notice shall include a clear description of
3 the procedure for filing a counterclaim, pursuant to subdivision (c) of
4 this section.

5 Such procedure shall further provide for an early hearing upon and
6 determination of such claim. No filing fee, however, shall be demanded
7 or received on small claims of employees who shall comply with S 1912
8 (a) of this act which is hereby made applicable, except that necessary
9 mailing costs shall be paid.

10 S 5. Section 1801 of the uniform justice court act, as amended by
11 chapter 76 of the laws of 1994, is amended to read as follows:

12 S 1801. Small claims defined.

13 The term "small claim" or "small claims" as used in this act shall
14 mean and include any cause of action for money only not in excess of
15 three thousand dollars exclusive of interest and costs, provided that
16 the defendant either resides, or has an office for the transaction of
17 business or a regular employment[,] WITHIN THE MUNICIPALITY WHERE THE
18 COURT IS LOCATED, OR WHERE CLAIMANT IS A TENANT OR LESSEE OF REAL PROP-
19 erty owned by the defendant and the claim relates to such tenancy or
20 lease, and such real property is situated within the municipality where
21 the court is located. However, where a judge of the county court, pursu-
22 ant to subdivision (g) of section three hundred twenty-five of the civil
23 practice law and rules, transfers a small claim from the town or village
24 court having jurisdiction over the matter to another town or village
25 court within the same county, the court to which it is transferred shall
26 have jurisdiction to determine the claim.

27 S 6. Subdivision (a) of section 1803 of the uniform justice court act,
28 as amended by chapter 309 of the laws of 1996, is amended to read as
29 follows:

30 (a) Small claims shall be commenced upon the payment by the claimant
31 of a filing fee of ten dollars for claims in the amount of one thousand
32 dollars or less and fifteen dollars for claims in the amount of more
33 than one thousand dollars, without the service of a summons and, except
34 by special order of the court, without the service of any pleading other
35 than a statement of his cause of action by the claimant or someone in
36 his behalf to the clerk, who shall reduce the same to a concise, written
37 form and record it in a filing system maintained especially for such
38 purpose. Such procedure shall provide for the sending of notice of such
39 claim by ordinary first class mail and certified mail with return
40 receipt requested to the party complained against (1) at his residence,
41 if he resides within the county and his residence is known to the claim-
42 ant, or (2) at his office or place of regular employment within the
43 municipality if he does not reside within the county or his residence
44 within the county is not known to the claimant, OR (3) WHERE CLAIMANT IS
45 A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM
46 RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT
47 UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE
48 COUNTY OR AN ADJOINING COUNTY WHERE CLAIMANT MAY MAIL OR OTHERWISE
49 DELIVER RENT AND AT SUCH REAL PROPERTY. If, after the expiration of
50 twenty-one days, such ordinary first class mailing has not been returned
51 as undeliverable, the party complained against shall be presumed to have
52 received notice of such claim. Such notice shall include a clear
53 description of the procedure for filing a counterclaim, pursuant to
54 subdivision (c) of this section.

55 Such procedure shall further provide for an early hearing upon and
56 determination of such claim. No filing fee, however, shall be demanded

1 or received on small claims of employees who shall comply with section
2 nineteen hundred twelve of this act which is hereby made applicable,
3 except that necessary mailing costs shall be paid.

4 S 7. Section 1801 of the New York city civil court act, as amended by
5 chapter 601 of the laws of 2003, is amended to read as follows:

6 S 1801. Small claims defined. The term "small claim" or "small claims"
7 as used in this act shall mean and include any cause of action for money
8 only not in excess of five thousand dollars exclusive of interest and
9 costs, provided that the defendant either resides, or has an office for
10 the transaction of business or a regular employment[,] WITHIN THE CITY
11 OF NEW YORK, OR WHERE CLAIMANT IS A TENANT OR LESSEE OF REAL PROPERTY
12 OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE,
13 AND SUCH REAL PROPERTY IS SITUATED within the city of New York.

14 S 8. Subdivision (a) of section 1803 of the New York city civil court
15 act, as amended by section 34 of part J of chapter 62 of the laws of
16 2003, is amended to read as follows:

17 (a) Small claims shall be commenced upon the payment by the claimant
18 of a filing fee of fifteen dollars for claims in the amount of one thou-
19 sand dollars or less and twenty dollars for claims in the amount of more
20 than one thousand dollars, without the service of a summons and, except
21 by special order of the court, without the service of any pleading other
22 than a statement of his cause of action by the claimant or someone in
23 his behalf to the clerk, who shall reduce the same to a concise, written
24 form and record it in a docket kept especially for such purpose. Such
25 procedure shall provide for the sending of notice of such claim by ordi-
26 nary first class mail and certified mail with return receipt requested
27 to the party complained against (1) at his residence, if he resides
28 within the city of New York, and his residence is known to the claimant,
29 or (2) at his office or place of regular employment within the city of
30 New York if he does not reside therein or his residence within the city
31 of New York is not known to the claimant, OR (3) WHERE CLAIMANT IS A
32 TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM
33 RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT
34 UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE
35 STATE WHERE PLAINTIFF MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH
36 REAL PROPERTY. If, after the expiration of twenty-one days, such ordi-
37 nary first class mailing has not been returned as undeliverable, the
38 party complained against shall be presumed to have received notice of
39 such claim. Such notice shall include a clear description of the proce-
40 dure for filing a counterclaim, pursuant to subdivision (c) of this
41 section.

42 Such procedure shall further provide for an early hearing upon and
43 determination of such claim. No filing fee, however, shall be demanded
44 or received on small claims of employees who shall comply with S 1912
45 (a) of this act which is hereby made applicable, except that necessary
46 mailing costs shall be paid.

47 S 9. This act shall take effect on the first of September next
48 succeeding the date on which it shall have become a law.