

4781--A

Cal. No. 432

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 -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, substituted by Assembly Bill No. 6011, substitution reconsidered and vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND
10 THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS
11 SITUATED within the county.

12 S 2. Section 1801 of the uniform city court act, as amended by chapter
13 65 of the laws of 2010, is amended to read as follows:
14 S 1801. Small claims defined.

15 The term "small claim" or "small claims" as used in this act shall
16 mean and include any cause of action for money only not in excess of
17 five thousand dollars exclusive of interest and costs, or any action
18 commenced by a party aggrieved by an arbitration award rendered pursuant

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

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1 to part 137 of the rules of the chief administrator of the courts (22
2 NYCRR Part 137) in which the amount in dispute does not exceed \$5,000,
3 provided that the defendant either resides, or has an office for the
4 transaction of business or a regular employment[,] WITHIN THE COUNTY, OR
5 WHERE THE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED
6 BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND
7 SUCH REAL PROPERTY IS SITUATED within the county.

8 S 3. Subdivision (a) of section 1803 of the uniform city court act, as
9 amended by chapter 309 of the laws of 1996, the opening paragraph as
10 amended by section 1 of part B of chapter 686 of the laws of 2003, is
11 amended to read as follows:

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

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

42 S 4. Section 1801 of the uniform district court act, as amended by
43 chapter 601 of the laws of 2003, is amended to read as follows:

44 S 1801. Small claims defined.

45 The term "small claim" or "small claims" as used in this act shall
46 mean and include any cause of action for money only not in excess of
47 five thousand dollars exclusive of interest and costs, provided that the
48 defendant either resides, or has an office for the transaction of busi-
49 ness or a regular employment[,] WITHIN A DISTRICT OF THE COURT IN THE
50 COUNTY, OR WHERE THE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROP-
51 erty OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR
52 LEASE, AND SUCH REAL PROPERTY IS SITUATED within a district of the court
53 in the county.

54 S 5. Section 1801 of the uniform district court act, as amended by
55 chapter 65 of the laws of 2010, is amended to read as follows:

56 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 one hundred thirty-seven of the rules of the chief administrator
6 of the courts (22 NYCRR Part 137) in which the amount in dispute does
7 not exceed five thousand dollars, provided that the defendant either
8 resides, or has an office for the transaction of business or a regular
9 employment[,] WITHIN A DISTRICT OF THE COURT IN THE COUNTY, OR WHERE THE
10 CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE
11 DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL
12 PROPERTY IS SITUATED within a district of the court in the county.

13 S 6. Subdivision (a) of section 1803 of the uniform district court
14 act, as amended by section 31 of part J of chapter 62 of the laws of
15 2003, is 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-
25 nary first class mail and certified mail with return receipt requested
26 to the party complained against (1) at his residence, if he resides
27 within a district of the court in the county, and his residence is known
28 to the claimant, or (2) at his office or place of regular employment
29 within such a district if he does not reside therein or his residence
30 within such a district is not known to the claimant, OR (3) WHERE CLAIM-
31 ANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT
32 AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM
33 CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY
34 PLACE IN THE STATE WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND
35 AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days,
36 such ordinary first class mailing has not been returned as undelivera-
37 ble, the party complained against shall be presumed to have received
38 notice of such claim. Such notice shall include a clear description of
39 the procedure for filing a counterclaim, pursuant to subdivision (c) of
40 this section.

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

46 S 7. Section 1801 of the uniform justice court act, as amended by
47 chapter 76 of the laws of 1994, is amended to read as follows:
48 S 1801. Small claims defined.

49 The term "small claim" or "small claims" as used in this act shall
50 mean and include any cause of action for money only not in excess of
51 three thousand dollars exclusive of interest and costs, provided that
52 the defendant either resides, or has an office for the transaction of
53 business or a regular employment[,] WITHIN THE MUNICIPALITY WHERE THE
54 COURT IS LOCATED, OR WHERE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL
55 PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR
56 LEASE, AND SUCH REAL PROPERTY IS SITUATED within the municipality where

1 the court is located. However, where a judge of the county court, pursu-
2 ant to subdivision (g) of section three hundred twenty-five of the civil
3 practice law and rules, transfers a small claim from the town or village
4 court having jurisdiction over the matter to another town or village
5 court within the same county, the court to which it is transferred shall
6 have jurisdiction to determine the claim.

7 S 8. Subdivision (a) of section 1803 of the uniform justice court act,
8 as amended by chapter 309 of the laws of 1996, is amended to read as
9 follows:

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

35 Such procedure shall further provide for an early hearing upon and
36 determination of such claim. No filing fee, however, shall be demanded
37 or received on small claims of employees who shall comply with section
38 nineteen hundred twelve of this act which is hereby made applicable,
39 except that necessary mailing costs shall be paid.

40 S 9. Section 1801 of the New York city civil court act, as amended by
41 chapter 601 of the laws of 2003, is amended to read as follows:

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

50 S 10. Section 1801 of the New York city civil court act, as amended by
51 chapter 65 of the laws of 2010, is amended to read as follows:

52 S 1801. Small claims defined. The term "small claim" or "small claims"
53 as used in this act shall mean and include any cause of action for money
54 only not in excess of five thousand dollars exclusive of interest and
55 costs, or any action commenced by a party aggrieved by an arbitration
56 award rendered pursuant to part 137 of the rules of the chief adminis-

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, OR WHERE CLAIMANT IS
5 A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM
6 RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS SITUATED
7 within the city of New York.

8 S 11. Subdivision (a) of section 1803 of the New York city civil court
9 act, as amended by section 34 of part J of chapter 62 of the laws of
10 2003, is amended to read as follows:

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

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

41 S 12. This act shall take effect on the first of September next
42 succeeding the date on which it shall have become a law; provided that
43 sections two, five and ten of this act shall take effect on the same
44 date and in the same manner as chapter 65 of the laws of 2010 takes
45 effect.