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

9827

I N A S S E M B L Y

April 13, 2012

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

AN ACT to amend the uniform justice court act, in relation to fees for commencement of small claims

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

Section 1. Subdivision (a) of section 1803 of the uniform justice court act, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

(a) Small claims shall be commenced upon the payment by the claimant of a filing fee of [ten] TWENTY dollars for claims in the amount of one thousand dollars or less and [fifteen] THIRTY dollars for claims in the amount of more than one thousand dollars, without the service of a summons and, except by special order of the court, without the service of any pleading other than a statement of his cause of action by the claimant or someone in his behalf to the clerk, who shall reduce the same to a concise, written form and record it in a filing system maintained especially for such purpose. Such procedure shall provide for the sending of notice of such claim by ordinary first class mail and certified mail with return receipt requested to the party complained against at his residence, if he resides within the county and his residence is known to the claimant, or at his office or place of regular employment within the municipality if he does not reside within the county or his residence within the county is not known to the claimant. If, after the expiration of twenty-one days, such ordinary first class mailing has not been returned as undeliverable, the party complained against shall be presumed to have received notice of such claim. Such notice shall include a clear description of the procedure for filing a counterclaim, pursuant to subdivision (c) of this section.

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

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to actions or proceedings filed on or after such date.

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

LBD15242-01-2