

2876

2011-2012 Regular Sessions

I N S E N A T E

February 2, 2011

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

AN ACT to amend the New York city civil court act, the uniform city court act, the uniform district court act and the uniform justice court act, in relation to the location of a small claims proceeding

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

1 Section 1. Section 1801 of the New York city civil court act, as
2 amended by chapter 65 of the laws of 2010, is amended to read as
3 follows:

4 S 1801. Small claims defined. The term "small claim" or "small claims"
5 as used in this act shall mean and include any cause of action for money
6 only not in excess of five thousand dollars exclusive of interest and
7 costs, or any action commenced by a party aggrieved by an arbitration
8 award rendered pursuant to part 137 of the rules of the chief adminis-
9 trator of the courts (22 NYCRR Part 137) in which the amount in dispute
10 does not exceed five thousand dollars, provided that the defendant
11 either resides, or has an office for the transaction of business or a
12 regular employment, OR THE CLAIM AROSE within the city of New York.

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

15 S 1801. Small claims defined.

16 The term "small claim" or "small claims" as used in this act shall
17 mean and include any cause of action for money only not in excess of
18 five thousand dollars exclusive of interest and costs, or any action
19 commenced by a party aggrieved by an arbitration award rendered pursuant
20 to part 137 of the rules of the chief administrator of the courts (22
21 NYCRR Part 137) in which the amount in dispute does not exceed \$5,000,
22 provided that the defendant either resides, or has an office for the
23 transaction of business or a regular employment, OR THE CLAIM AROSE
24 within the county.

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

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1 S 3. Section 1801 of the uniform district court act, as amended by
2 chapter 65 of the laws of 2010, 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, or any action
7 commenced by a party aggrieved by an arbitration award rendered pursuant
8 to part one hundred thirty-seven of the rules of the chief administrator
9 of the courts (22 NYCRR Part 137) in which the amount in dispute does
10 not exceed five thousand dollars, provided that the defendant either
11 resides, or has an office for the transaction of business or a regular
12 employment, OR THE CLAIM AROSE within a district of the court in the
13 county.

14 S 4. Section 1801 of the uniform justice court act, as amended by
15 chapter 76 of the laws of 1994, is amended to read as follows:

16 S 1801. Small claims defined.

17 The term "small claim" or "small claims" as used in this act shall
18 mean and include any cause of action for money only not in excess of
19 three thousand dollars exclusive of interest and costs, provided that
20 the defendant either resides, or has an office for the transaction of
21 business or a regular employment, OR THE CLAIM AROSE within the munici-
22 pality where the court is located. However, where a judge of the county
23 court, pursuant to subdivision (g) of section three hundred twenty-five
24 of the civil practice law and rules, transfers a small claim from the
25 town or village court having jurisdiction over the matter to another
26 town or village court within the same county, the court to which it is
27 transferred shall have jurisdiction to determine the claim.

28 S 5. This act shall take effect immediately.