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

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:

Section 1. Section 1801 of the New York city civil court act, as amended by chapter 65 of the laws of 2010, 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 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, OR THE CLAIM AROSE within the city of New York.

S 2. Section 1801 of the uniform city court act, as amended by chapter 65 of the laws of 2010, 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 137 of the rules of the chief administrator of the courts (22 NYCRR Part 137) in which the amount in dispute does not exceed $5,000, provided that the defendant either resides, or has an office for the transaction of business or a regular employment, OR THE CLAIM AROSE within the county.

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

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S 3. Section 1801 of the uniform district court act, as amended by chapter 65 of the laws of 2010, 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, OR THE CLAIM AROSE within a district of the court in the county.

S 4. Section 1801 of the uniform justice court act, as amended by chapter 76 of the laws of 1994, 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 three thousand dollars exclusive of interest and costs, provided that the defendant either resides, or has an office for the transaction of business or a regular employment, OR THE CLAIM AROSE within the municipality where the court is located. However, where a judge of the county court, pursuant to subdivision (g) of section three hundred twenty-five of the civil practice law and rules, transfers a small claim from the town or village court having jurisdiction over the matter to another town or village court within the same county, the court to which it is transferred shall have jurisdiction to determine the claim.

S 5. This act shall take effect immediately.