

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

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

19 (a) Small claims shall be commenced upon the payment by the claimant
20 of a filing fee of fifteen dollars for claims in the amount of one thou-
21 sand dollars or less and twenty dollars for claims in the amount of more
22 than one thousand dollars, without the service of a summons and, except
23 by special order of the court, without the service of any pleading other

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

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1 than a statement of his cause of action by the claimant or someone in
2 his behalf to the clerk, who shall reduce the same to a concise, written
3 form and record it in a docket kept especially for such purpose. Such
4 procedure shall provide for the sending of notice of such claim by ordi-
5 nary first class mail and certified mail with return receipt requested
6 to the party complained against (1) at his residence, if he resides
7 within the county, and his residence is known to the claimant, or (2) at
8 his office or place of regular employment within the county if he does
9 not reside therein or his residence within the county is not known to
10 the claimant, OR (3) WHERE THE CLAIMANT IS OR WAS A TENANT OR LESSEE OF
11 REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH
12 TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT UNDER PARAGRAPH
13 ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE COUNTY OR AN ADJOIN-
14 ING COUNTY WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH
15 REAL PROPERTY. If, after the expiration of twenty-one days, such ordi-
16 nary first class mailing has not been returned as undeliverable, the
17 party complained against shall be presumed to have received notice of
18 such claim. Such notice shall include a clear description of the proce-
19 dure for filing a counterclaim, pursuant to subdivision (c) of this
20 section.

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

26 S 3. Section 1801 of the uniform district court act, as amended by
27 chapter 65 of the laws of 2010, is amended to read as follows:
28 S 1801. Small claims defined.

29 The term "small claim" or "small claims" as used in this act shall
30 mean and include any cause of action for money only not in excess of
31 five thousand dollars exclusive of interest and costs, or any action
32 commenced by a party aggrieved by an arbitration award rendered pursuant
33 to part one hundred thirty-seven of the rules of the chief administrator
34 of the courts (22 NYCRR Part 137) in which the amount in dispute does
35 not exceed five thousand dollars, provided that the defendant either
36 resides, or has an office for the transaction of business or a regular
37 employment[,] WITHIN A DISTRICT OF THE COURT IN THE COUNTY, OR WHERE THE
38 CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE
39 DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL
40 PROPERTY IS SITUATED within a district of the court in the county.

41 S 4. Subdivision (a) of section 1803 of the uniform district court
42 act, as amended by section 31 of part J of chapter 62 of the laws of
43 2003, is amended to read as follows:

44 (a) Small claims shall be commenced upon the payment by the claimant
45 of a filing fee of fifteen dollars for claims in the amount of one thou-
46 sand dollars or less and twenty dollars for claims in the amount of more
47 than one thousand dollars, without the service of a summons and, except
48 by special order of the court, without the service of any pleading other
49 than a statement of his cause of action by the claimant or someone in
50 his behalf to the clerk, who shall reduce the same to a concise, written
51 form and record it in a docket kept especially for such purpose. Such
52 procedure shall provide for the sending of notice of such claim by ordi-
53 nary first class mail and certified mail with return receipt requested
54 to the party complained against (1) at his residence, if he resides
55 within a district of the court in the county, and his residence is known
56 to the claimant, or (2) at his office or place of regular employment

1 within such a district if he does not reside therein or his residence
2 within such a district is not known to the claimant, OR (3) WHERE CLAIM-
3 ANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT
4 AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM
5 CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY
6 PLACE IN THE STATE WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND
7 AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days,
8 such ordinary first class mailing has not been returned as undelivera-
9 ble, the party complained against shall be presumed to have received
10 notice of such claim. Such notice shall include a clear description of
11 the procedure for filing a counterclaim, pursuant to subdivision (c) of
12 this section.

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

18 S 5. Section 1801 of the uniform justice court act, as amended by
19 chapter 76 of the laws of 1994, is amended to read as follows:
20 S 1801. Small claims defined.

21 The term "small claim" or "small claims" as used in this act shall
22 mean and include any cause of action for money only not in excess of
23 three thousand dollars exclusive of interest and costs, provided that
24 the defendant either resides, or has an office for the transaction of
25 business or a regular employment[,] WITHIN THE MUNICIPALITY WHERE THE
26 COURT IS LOCATED, OR WHERE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL
27 PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR
28 LEASE, AND SUCH REAL PROPERTY IS SITUATED within the municipality where
29 the court is located. However, where a judge of the county court, pursu-
30 ant to subdivision (g) of section three hundred twenty-five of the civil
31 practice law and rules, transfers a small claim from the town or village
32 court having jurisdiction over the matter to another town or village
33 court within the same county, the court to which it is transferred shall
34 have jurisdiction to determine the claim.

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

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

1 OTHERWISE DELIVER RENT AND AT SUCH REAL PROPERTY. If, after the expira-
2 tion of twenty-one days, such ordinary first class mailing has not been
3 returned as undeliverable, the party complained against shall be
4 presumed to have received notice of such claim. Such notice shall
5 include a clear description of the procedure for filing a counterclaim,
6 pursuant to subdivision (c) of this section.

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

12 S 7. Section 1801 of the New York city civil court act, as amended by
13 chapter 65 of the laws of 2010, is amended to read as follows:

14 S 1801. Small claims defined. The term "small claim" or "small claims"
15 as used in this act shall mean and include any cause of action for money
16 only not in excess of five thousand dollars exclusive of interest and
17 costs, or any action commenced by a party aggrieved by an arbitration
18 award rendered pursuant to part 137 of the rules of the chief adminis-
19 trator of the courts (22 NYCRR Part 137) in which the amount in dispute
20 does not exceed five thousand dollars, provided that the defendant
21 either resides, or has an office for the transaction of business or a
22 regular employment[,] WITHIN THE CITY OF NEW YORK, OR WHERE CLAIMANT IS
23 A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM
24 RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS SITUATED
25 within the city of New York.

26 S 8. Subdivision (a) of section 1803 of the New York city civil court
27 act, as amended by section 34 of part J of chapter 62 of the laws of
28 2003, is amended to read as follows:

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

54 Such procedure shall further provide for an early hearing upon and
55 determination of such claim. No filing fee, however, shall be demanded
56 or received on small claims of employees who shall comply with S 1912

1 (a) of this act which is hereby made applicable, except that necessary
2 mailing costs shall be paid.

3 S 9. This act shall take effect on the first of September next
4 succeeding the date on which it shall have become a law; provided,
5 however, that if chapter 65 of the laws of 2010 shall not have taken
6 effect on or before such date then sections one, three and seven of this
7 act shall take effect on the same date and in the same manner as such
8 chapter of the laws of 2010 takes effect.