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

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438--A

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011
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Introduced by Sen. KRUEGER -- read twice and ordered printed, and when
  printed to be committed to the Committee on Codes -- recommitted to
  the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 --
  committee discharged, bill amended, ordered reprinted as amended and
  recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to
  increasing penalties for failure to execute and file satisfied judg-
  ments with the court clerk

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

 1   Section 1. Subdivision (c) of section 5020 of the civil practice law
 2 and rules, as amended by chapter 575 of the laws of 1975, is amended to
 3 read as follows:
 4   (c) When the judgment is fully satisfied, if the person required to
 5 execute and file with the proper clerk pursuant to subdivisions (a) and
 6 (d) [hereof] OF THIS SECTION fails or refuses to do so within twenty
 7 days after receiving full satisfaction, then the judgment creditor shall
 8 be subject to a penalty of [one] FIVE hundred dollars recoverable by the
 9 judgment debtor pursuant to [Section 7202 of the civil practice law and
10 rules] SECTION SEVENTY-TWO HUNDRED TWO OF THIS CHAPTER or article eigh-
11 teen of either the New York City civil court act, uniform district court
12 act or uniform city court act; provided, however, that such penalty
13 shall not be recoverable when a city with a population greater than one
14 million persons is the judgment creditor, unless such judgment creditor
15 shall fail to execute and file a satisfaction-piece with the proper
16 clerk pursuant to subdivisions (a) and (d) [hereof] OF THIS SECTION
17 within twenty days after having been served by the judgment debtor with
18 a written demand therefor by certified mail, return receipt requested.
19   S 2. This act shall take effect on the one hundred eightieth day after
20 it shall have become a law.

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