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

438--A

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 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 judgments with the court clerk

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

Section 1. Subdivision (c) of section 5020 of the civil practice law and rules, as amended by chapter 575 of the laws of 1975, is amended to read as follows:

(c) When the judgment is fully satisfied, if the person required to execute and file with the proper clerk pursuant to subdivisions (a) and (d) [hereof] OF THIS SECTION fails or refuses to do so within twenty days after receiving full satisfaction, then the judgment creditor shall be subject to a penalty of [one] FIVE hundred dollars recoverable by the judgment debtor pursuant to [Section 7202 of the civil practice law and rules] SECTION SEVENTY-TWO HUNDRED TWO OF THIS CHAPTER or article eighteen of either the New York City civil court act, uniform district court act or uniform city court act; provided, however, that such penalty shall not be recoverable when a city with a population greater than one million persons is the judgment creditor, unless such judgment creditor shall fail to execute and file a satisfaction-piece with the proper clerk pursuant to subdivisions (a) and (d) [hereof] OF THIS SECTION within twenty days after having been served by the judgment debtor with a written demand therefor by certified mail, return receipt requested.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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