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

4594

2011-2012 Regular Sessions

I N S E N A T E

April 13, 2011

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- 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, in relation to an application for relief in aid of arbitration in a city court

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

Section 1. Section 206 of the uniform city court act is REPEALED and a new section 206 is added to read as follows:

S 206. ARBITRATION.

(A) THRESHOLD QUESTIONS UNDER ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE LAW AND RULES. IF AN ACTION OF WHICH THE COURT HAS JURISDICTION HAS BEEN DULY COMMENCED THEREIN, AND THERE ARISE IN SUCH ACTION ANY QUESTIONS RELATING TO THE ARBITRABILITY OF THE CONTROVERSY, THE COURT SHALL HAVE JURISDICTION COMPLETELY TO DISPOSE OF SUCH QUESTIONS AND ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE LAW AND RULES SHALL BE APPLICABLE THERETO. BUT THE COURT SHALL NOT HAVE JURISDICTION OF THE SPECIAL PROCEEDING, AS SET FORTH IN SUBDIVISION (A) OF SECTION SEVENTY-FIVE HUNDRED TWO OF THE CIVIL PRACTICE LAW AND RULES, USED TO BRING BEFORE A COURT THE FIRST APPLICATION ARISING OUT OF AN ARBITRABLE CONTROVERSY, EXCEPT AS PROVIDED IN SUBDIVISION (B) OF THIS SECTION.

(B) PROCEEDINGS ON AWARD UNDER ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE LAW AND RULES. WHERE A CONTROVERSY HAS BEEN DULY ARBITRATED AND AN AWARD MADE THEREIN IS FOR RELIEF WHICH IS WITHIN THE COURT'S JURISDICTION, THE COURT SHALL HAVE JURISDICTION OF PROCEEDINGS UNDER SECTIONS SEVENTY-FIVE HUNDRED TEN THROUGH SEVENTY-FIVE HUNDRED FOURTEEN OF THE CIVIL PRACTICE LAW AND RULES, RELATING TO JUDICIAL RECOGNITION OF SUCH AWARDS, WHICH PROVISIONS SHALL BE APPLICABLE THERETO.

(C) ARBITRATION DISTINCT FROM ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE LAW AND RULES. THE RULES MAY PROVIDE SYSTEMS OF ARBITRATION AND

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

LBD09312-01-1

CONCILIATION OF CLAIMS WITHIN THE COURT'S JURISDICTION WITHOUT REFERENCE TO ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE LAW AND RULES.

S 2. This act shall take effect on the thirtieth day after it shall become a law.