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

3133

2013-2014 Regular Sessions

I N S E N A T E

January 30, 2013

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 civil practice law and rules, in relation to increasing penalties for failure to execute and file satisfied judgments of $5,000 or more 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] A judgment FOR LESS THAN FIVE THOUSAND DOLLARS 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 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. WHEN A JUDGMENT FOR FIVE THOUSAND DOLLARS OR MORE IS FULLY SATISFIED, IF THE PERSON REQUIRED TO EXECUTE AND FILE WITH THE PROPER CLERK PURSUANT TO SUBDIVISIONS (A) AND (D) 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 FIVE HUNDRED DOLLARS RECOVERABLE BY THE JUDGMENT DEBTOR PURSUANT TO 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] PENALTIES 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

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

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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 twentieth day after it shall have become a law.