

3159

2013-2014 Regular Sessions

I N S E N A T E

January 31, 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 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  
24 than a statement of his cause of action by the claimant or someone in

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

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

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

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

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

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

43 (a) Small claims shall be commenced upon the payment by the claimant  
44 of a filing fee of fifteen dollars for claims in the amount of one thou-  
45 sand dollars or less and twenty dollars for claims in the amount of more  
46 than one thousand dollars, without the service of a summons and, except  
47 by special order of the court, without the service of any pleading other  
48 than a statement of his cause of action by the claimant or someone in  
49 his behalf to the clerk, who shall reduce the same to a concise, written  
50 form and record it in a docket kept especially for such purpose. Such  
51 procedure shall provide for the sending of notice of such claim by ordi-  
52 nary first class mail and certified mail with return receipt requested  
53 to the party complained against (1) at his residence, if he resides  
54 within a district of the court in the county, and his residence is known  
55 to the claimant, or (2) at his office or place of regular employment  
56 within such a district if he does not reside therein or his residence

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

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

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

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

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

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

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

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

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

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

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

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

53 Such procedure shall further provide for an early hearing upon and  
54 determination of such claim. No filing fee, however, shall be demanded  
55 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.