

741

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 7, 2015

---

Introduced by M. of A. STECK -- read once and referred to the Committee  
on Judiciary

AN ACT to amend the civil practice law and rules, in relation to  
increasing the amount of prima facie proof of damages from two thou-  
sand dollars to forty thousand dollars

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

1     Section 1. Rule 4533-a of the civil practice law and rules, as amended  
2     by chapter 249 of the laws of 1988, is amended to read as follows:  
3     Rule 4533-a. Prima facie proof of damages. An itemized bill or  
4     invoice, receipted or marked paid, for services or repairs of an amount  
5     not in excess of [two] FORTY thousand dollars is admissible in evidence  
6     and is prima facie evidence of the reasonable value and necessity of  
7     such services or repairs itemized therein in any civil action provided  
8     it bears a certification by the person, firm or corporation, or an  
9     authorized agent or employee thereof, rendering such services or making  
10    such repairs and charging for the same, and contains a verified state-  
11    ment that no part of the payment received therefor will be refunded to  
12    the debtor, and that the amounts itemized therein are the usual and  
13    customary rates charged for such services or repairs by the affiant or  
14    his employer; and provided further that a true copy of such itemized  
15    bill or invoice together with a notice of intention to introduce such  
16    bill or invoice into evidence pursuant to this rule is served upon each  
17    party at least ten days before the trial. No more than one bill or  
18    invoice from the same person, firm or corporation to the same debtor  
19    shall be admissible in evidence under this rule in the same action.  
20    S 2. This act shall take effect on the sixtieth day after it shall  
21    have become a law.

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

LBD04398-01-5