

7954

I N S E N A T E

May 31, 2016

Introduced by Sen. AVELLA -- 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 claims relating to consumer goods

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

1 Section 1. Section 501 of the civil practice law and rules, as amended
2 by chapter 532 of the laws of 1963, is amended to read as follows:

3 S 501. Contractual provisions fixing venue. Subject to the provisions
4 of subdivision two of section [510] FIVE HUNDRED TEN AND SUBDIVISION
5 THREE OF SECTION FIVE HUNDRED FOURTEEN OF THIS ARTICLE, written agree-
6 ment fixing place of trial, made before an action is commenced, shall be
7 enforced upon a motion for change of place of trial.

8 S 2. The civil practice law and rules is amended by adding a new
9 section 514 to read as follows:

10 S 514. ACTIONS RELATING TO CONSUMER GOODS. 1. FOR THE PURPOSES OF THIS
11 SECTION, "CONSUMER GOODS" SHALL MEAN GOODS, WARES, PAID MERCHANDISE OR
12 SERVICES PURCHASED OR PAID FOR BY A CONSUMER, THE INTENDED USE OR BENE-
13 FIT OF WHICH IS INTENDED FOR THE PERSONAL, FAMILY OR HOUSEHOLD PURPOSES
14 OF SUCH CONSUMER.

15 2. IN ANY CONTRACT INVOLVING THE SALE, LEASE OR OTHERWISE PROVIDING OF
16 CONSUMER GOODS, ANY PORTION OF THE CONTRACT OR ANY CLAUSE WHICH PURPORTS
17 TO DESIGNATE, RESTRICT, OR LIMIT THE VENUE IN WHICH A CLAIM SHALL BE
18 ADJUDICATED OR ARBITRATED SHALL BE DEEMED VOID AS AGAINST PUBLIC POLICY.
19 NOTHING IN THIS SECTION SHALL BE DEEMED TO AFFECT THE VALIDITY OF ANY
20 OTHER ASPECT OF A CONTRACT.

21 3. IN ANY ACTION OR ARBITRATION INVOLVING THE SALE, LEASE OR OTHERWISE
22 PROVIDING OF CONSUMER GOODS, IN ADDITION TO THE VENUE PROVISIONS
23 CONTAINED WITHIN SECTION FIVE HUNDRED THREE OF THIS ARTICLE, THE PLACE
24 OF TRIAL OR ARBITRATION SHALL TAKE PLACE IN THE COUNTY WHERE THE CONSUM-
25 ER RESIDES.

26 S 3. This act shall take effect on the thirtieth day after it shall
27 have become a law, and shall apply to all actions and arbitration
28 proceedings which have not been commenced prior to such effective date.

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

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