

STATE OF NEW YORK

8852--B

2017-2018 Regular Sessions

IN ASSEMBLY

December 22, 2017

Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to requiring all personal injury or wrongful death causes of action to include a prayer for general relief; and to amend the general municipal law, in relation to exempting notices of claim from such requirement

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (b) of rule 305 of the civil practice law and
2 rules, as amended by chapter 528 of the laws of 1978, is amended to read
3 as follows:

4 (b) Summons and notice. If the complaint is not served with the
5 summons, the summons shall contain or have attached thereto a notice
6 stating the nature of the action and the relief sought[7] and, except in
7 [~~an action for medical malpractice~~] actions for personal injury or
8 wrongful death, the sum of money for which judgment may be taken in case
9 of default.

10 § 2. Subdivision (c) of section 3017 of the civil practice law and
11 rules, as amended by chapter 694 of the laws of 2003, is amended to read
12 as follows:

13 (c) Personal injury or wrongful death actions. In an action to recover
14 damages for personal injuries or wrongful death, the complaint, summons
15 with notice, counterclaim, cross-claim, interpleader complaint, and
16 third-party complaint shall contain a prayer for general relief but
17 shall not state the amount of damages to which the pleader deems himself
18 or herself entitled. If the action is brought in the supreme court, the
19 pleading shall also state whether or not the amount of damages sought

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

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1 exceeds the jurisdictional limits of all lower courts which would other-
2 wise have jurisdiction. Provided, however, that a party against whom an
3 action to recover damages for personal injuries or wrongful death is
4 brought, may at any time request a supplemental demand setting forth the
5 total damages to which the pleader deems himself or herself entitled. A
6 supplemental demand shall be provided by the party bringing the action
7 within fifteen days of the request. In the event the supplemental demand
8 is not served within fifteen days, the court, on motion, may order that
9 it be served. A supplemental demand served pursuant to this subdivision
10 shall be treated in all respects as a demand made pursuant to subdivi-
11 sion (a) of this section.

12 § 3. Subdivision 2 of section 50-e of the general municipal law, as
13 amended by chapter 62 of the laws of 1983, is amended to read as
14 follows:

15 2. Form of notice; contents. The notice shall be in writing, sworn to
16 by or on behalf of the claimant, and shall set forth: (1) the name and
17 post-office address of each claimant, and of his or her attorney, if
18 any; (2) the nature of the claim; (3) the time when, the place where and
19 the manner in which the claim arose; and (4) the items of damage or
20 injuries claimed to have been sustained so far as then practicable but a
21 notice with respect to a claim against a municipal corporation [~~other~~
22 ~~than a city with a population of one million or more persons~~] shall not
23 state the amount of damages to which the claimant deems himself or
24 herself entitled, provided, however, that the municipal corporation[~~r~~
25 ~~other than a city with a population of one million or more persons,~~] may
26 at any time request a supplemental claim setting forth the total damages
27 to which the claimant deems himself or herself entitled. A supplemental
28 claim shall be provided by the claimant within fifteen days of the
29 request. In the event the supplemental demand is not served within
30 fifteen days, the court, on motion, may order that it be provided by the
31 claimant.

32 § 4. This act shall take effect on the thirtieth day after it shall
33 have become a law, and shall apply to actions commenced on or after such
34 date.