STATE OF NEW YORK

1533

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

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:

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

§ 501. Contractual provisions fixing venue. Subject to the provisions of subdivision two of section [~~510~~] **five hundred ten and subdivision three of section five hundred fourteen of this article**, written agreement fixing place of trial, made before an action is commenced, shall be enforced upon a motion for change of place of trial.

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

§ 514. Actions relating to consumer goods. 1. For the purposes of this section, "consumer goods" shall mean goods, wares, paid merchandise or services purchased or paid for by a consumer, the intended use or benefit of which is intended for the personal, family or household purposes of such consumer.

2. In any contract involving the sale, lease or otherwise providing of consumer goods, any portion of the contract or any clause which purports to designate, restrict, or limit the venue in which a claim shall be adjudicated or arbitrated shall be deemed void as against public policy. Nothing in this section shall be deemed to affect the validity of any other aspect of a contract.

3. In any action or arbitration involving the sale, lease or otherwise providing of consumer goods, in addition to the venue provisions contained within section five hundred three of this article, the place of trial or arbitration shall take place in the county where the consumer resides.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law, and shall apply to all actions and arbitration 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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