STATE OF NEW YORK

5837

2017-2018 Regular Sessions

IN ASSEMBLY

February 16, 2017

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

AN ACT to amend the civil practice law and rules, in relation to a referee's compensation

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

Section 1. Section 8003 of the civil practice law and rules, as amended by chapter 700 of the laws of 1976, subdivision (b) as amended by chapter 225 of the laws of 1996 and subdivision (c) as added by chapter 840 of the laws of 1983, is amended to read as follows:

§ 8003. Referees. (a) Generally. A referee is entitled, for each day spent in the business of the reference, to **three hundred** fifty dollars unless a different compensation is fixed by the court or by the consent in writing of all parties not in default for failure to appear or plead.

(b) Upon sale of real property. A referee appointed to sell real property pursuant to a judgment is entitled to the same fees and disbursements as those allowed to a sheriff. Where a referee is required to take security upon a sale, or to distribute, apply, or ascertain and report upon the distribution or application of any of the proceeds of the sale, he or she is also entitled to one-half of the commissions upon the amount secured, distributed or applied as are allowed by law to an executor or administrator for receiving and paying out money. Commissions in excess of fifty dollars shall not be allowed upon a sum bid by a party, and applied upon that party's judgment, without being paid to the referee. A referee's compensation, including commissions, upon a sale pursuant to a judgment in any action cannot exceed [~~five~~] **seven** hundred **fifty** dollars, unless the property sold for fifty thousand dollars or more, in which event the referee may receive such additional compensation as to the court may seem proper.

(c) This section shall not apply to judicial hearing officers who have been designated referees.

§ 2. This act shall take effect immediately.

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

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