

STATE OF NEW YORK

3799--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. ZEBROWSKI, GALEF, O'DONNELL, DenDEKKER, GUNTHER, QUART, STECK, JAFFEE, OTIS, BLAKE, THIELE, MOSLEY, ABBATE, BARRON, PICHARDO, BUCHWALD, GOTTFRIED, ENGLEBRIGHT, PAULIN, MONTESANO, PALMESANO, FRIEND, PALUMBO, BRABENEC, GARBARINO -- Multi-Sponsored by -- M. of A. CROUCH, GLICK, McDONOUGH, PEOPLES-STOKES, SIMON, STEC -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the uniform justice court act, in relation to civil jurisdictional limits and increasing filing fees

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

1 Section 1. Subdivision a of section 201 of the uniform justice court
2 act, as amended by chapter 685 of the laws of 1977, is amended to read
3 as follows:

4 a. The court shall have jurisdiction as set forth in this article and
5 as elsewhere provided by law [~~-, subject, in the case of a city court~~
6 ~~governed by this act, to the limitations stated in § 2300 (b) (2) (i) of~~
7 ~~this act~~]. The phrase "[~~\$3000~~] \$5000", whenever it appears herein, shall
8 be taken to mean "[~~\$3000~~] \$5000 exclusive of interest and costs" [~~-,~~
9 ~~except that, in the case of a city court governed by this act whose~~
10 ~~monetary jurisdiction is, pursuant to § 2300 (b) (2) (i) of this act,~~
11 ~~below \$3000, it shall be taken to mean such lesser sum as is applicable~~
12 ~~in the particular court, exclusive of interest and costs~~].

13 § 2. Section 202 of the uniform justice court act, as amended by chap-
14 ter 685 of the laws of 1977, is amended to read as follows:

15 § 202. Money actions and actions to recover chattels.

16 Notwithstanding any other provision of law, the court shall have
17 jurisdiction of actions and proceedings for the recovery of money or
18 chattels where the amount sought to be recovered or the value of the
19 property does not exceed [~~\$3000~~] \$5000.

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

LBD06513-02-9

1 § 3. Section 1801 of the uniform justice court act, as amended by
2 chapter 76 of the laws of 1994, is amended to read as follows:

3 § 1801. Small claims defined.

4 The term "small claim" or "small claims" as used in this act shall
5 mean and include any cause of action for money only not in excess of
6 [~~three~~] **five** thousand dollars exclusive of interest and costs, provided
7 that the defendant either resides, or has an office for the transaction
8 of business or a regular employment, within the municipality where the
9 court is located. However, where a judge of the county court, pursuant
10 to subdivision (g) of section three hundred twenty-five of the civil
11 practice law and rules, transfers a small claim from the town or village
12 court having jurisdiction over the matter to another town or village
13 court within the same county, the court to which it is transferred shall
14 have jurisdiction to determine the claim.

15 § 4. Paragraph (a) of section 1803 of the uniform justice court act,
16 as amended by chapter 309 of the laws of 1996, is amended to read as
17 follows:

18 (a) Small claims shall be commenced upon the payment by the claimant
19 of a filing fee of [~~ten~~] **fifteen** dollars for claims in the amount of one
20 thousand dollars or less and [~~fifteen~~] **twenty** dollars for claims in the
21 amount of more than one thousand dollars, without the service of a
22 summons and, except by special order of the court, without the service
23 of any pleading other than a statement of his cause of action by the
24 claimant or someone in his behalf to the clerk, who shall reduce the
25 same to a concise, written form and record it in a filing system main-
26 tained especially for such purpose. Such procedure shall provide for the
27 sending of notice of such claim by ordinary first class mail and certi-
28 fied mail with return receipt requested to the party complained against
29 at his residence, if he resides within the county and his residence is
30 known to the claimant, or at his office or place of regular employment
31 within the municipality if he does not reside within the county or his
32 residence within the county is not known to the claimant. If, after the
33 expiration of twenty-one days, such ordinary first class mailing has not
34 been returned as undeliverable, the party complained against shall be
35 presumed to have received notice of such claim. Such notice shall
36 include a clear description of the procedure for filing a counterclaim,
37 pursuant to subdivision (c) of this section.

38 § 5. This act shall take effect on the first of January next succeed-
39 ing the date on which it shall have become a law and shall apply to
40 actions or proceedings filed on or after such date.