

STATE OF NEW YORK

1887

2019-2020 Regular Sessions

IN SENATE

January 17, 2019

Introduced by Sen. O'MARA -- 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 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
20 exceeds the jurisdictional limits of all lower courts which would other-
21 wise have jurisdiction. Provided, however, that a party against whom an
22 action to recover damages for personal injuries or wrongful death is
23 brought, may at any time request a supplemental demand setting forth the

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

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1 total damages to which the pleader deems himself or herself entitled. A
2 supplemental demand shall be provided by the party bringing the action
3 within fifteen days of the request. In the event the supplemental demand
4 is not served within fifteen days, the court, on motion, may order that
5 it be served. A supplemental demand served pursuant to this subdivision
6 shall be treated in all respects as a demand made pursuant to subdivi-
7 sion (a) of this section.

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

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

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