

STATE OF NEW YORK

7363--A

Cal. No. 295

2021-2022 Regular Sessions

IN ASSEMBLY

May 6, 2021

Introduced by M. of A. GOTTFRIED, DINOWITZ, STECK, FAHY, McDONALD, REYES, HEVESI, BRAUNSTEIN, L. ROSENTHAL, MAMDANI, SEAWRIGHT, SIMON, WOERNER, CRUZ, BURGOS, GALEF, GONZALEZ-ROJAS, EPSTEIN, SOLAGES, BICHOTTE HERMELYN, O'DONNELL, MITAYNES, BURDICK, FORREST, OTIS, COLTON, McDONOUGH, BENEDETTO, J. RIVERA, KELLES, GIBBS, KIM, FERNANDEZ, RAMOS, ANDERSON, THIELE -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the civil practice law and rules, in relation to protecting patients from certain penalties due to money judgments arising from actions brought by hospitals or health care professionals

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

1 Section 1. Subdivision (b) of section 5201 of the civil practice law
2 and rules is amended to read as follows:
3 (b) Property against which a money judgment may be enforced. A money
4 judgment may be enforced against any property which could be assigned or
5 transferred, whether it consists of a present or future right or inter-
6 est and whether or not it is vested, unless it is exempt from applica-
7 tion to the satisfaction of the judgment. A money judgment entered upon
8 a joint liability of two or more persons may be enforced against indi-
9 vidual property of those persons summoned and joint property of such
10 persons with any other persons against whom the judgment is entered. No
11 property lien shall be entered or enforced against a debtor's primary
12 residence in an action arising from a medical debt and brought by a
13 hospital licensed under article twenty-eight of the public health law or
14 a health care professional authorized under title eight of the education
15 law.

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

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1 § 2. Subdivision (b) of section 5231 of the civil practice law and
2 rules, as amended by chapter 575 of the laws of 2008, is amended to read
3 as follows:

4 (b) Issuance. Where a judgment debtor is receiving or will receive
5 money from any source, an income execution for installments therefrom of
6 not more than ten percent thereof may be issued and delivered to the
7 sheriff of the county in which the judgment debtor resides or, where the
8 judgment debtor is a non-resident, the county in which he is employed;
9 provided, however, that (i) no amount shall be withheld from the judg-
10 ment debtor's earnings pursuant to an income execution for any week
11 unless the disposable earnings of the judgment debtor for that week
12 exceed the greater of thirty times the federal minimum hourly wage
13 prescribed in the Fair Labor Standards Act of 1938 or thirty times the
14 state minimum hourly wage prescribed in section six hundred fifty-two of
15 the labor law as in effect at the time the earnings are payable; (ii)
16 the amount withheld from the judgment debtor's earnings pursuant to an
17 income execution for any week shall not exceed twenty-five percent of
18 the disposable earnings of the judgment debtor for that week, or, the
19 amount by which the disposable earnings of the judgment debtor for that
20 week exceed the greater of thirty times the federal minimum hourly wage
21 prescribed by the Fair Labor Standards Act of 1938 or thirty times the
22 state minimum hourly wage prescribed in section six hundred fifty-two of
23 the labor law as in effect at the time the earnings are payable, which-
24 ever is less; (iii) if the earnings of the judgment debtor are also
25 subject to deductions for alimony, support or maintenance for family
26 members or former spouses pursuant to section five thousand two hundred
27 forty-one or section five thousand two hundred forty-two of this arti-
28 cle, the amount withheld from the judgment debtor's earnings pursuant to
29 this section shall not exceed the amount by which twenty-five percent of
30 the disposable earnings of the judgment debtor for that week exceeds the
31 amount deducted from the judgment debtor's earnings in accordance with
32 section five thousand two hundred forty-one or section five thousand two
33 hundred forty-two of this article; and (iv) no amount shall be imposed
34 in judgments arising from a medical debt action brought by a hospital
35 licensed under article twenty-eight of the public health law or a health
36 care professional authorized under title eight of the education law.
37 Nothing in this section shall be construed to modify, abrogate, impair,
38 or affect any exemption from the satisfaction of a money judgment other-
39 wise granted by law.

40 § 3. This act shall take effect immediately.