

# STATE OF NEW YORK

7363

2021-2022 Regular Sessions

## IN ASSEMBLY

May 6, 2021

Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Codes

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 Assem-  
bly, 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 against a debtor's primary residence in  
12 actions brought by a hospital licensed under article twenty-eight of the  
13 public health law or a health care professional authorized under title  
14 eight of the education law.

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

18 (b) Issuance. Where a judgment debtor is receiving or will receive  
19 money from any source, an income execution for installments therefrom of  
20 not more than ten percent thereof may be issued and delivered to the  
21 sheriff of the county in which the judgment debtor resides or, where the  
22 judgment debtor is a non-resident, the county in which he is employed;  
23 provided, however, that (i) no amount shall be withheld from the judg-  
24 ment debtor's earnings pursuant to an income execution for any week

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

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1 unless the disposable earnings of the judgment debtor for that week  
2 exceed the greater of thirty times the federal minimum hourly wage  
3 prescribed in the Fair Labor Standards Act of 1938 or thirty times the  
4 state minimum hourly wage prescribed in section six hundred fifty-two of  
5 the labor law as in effect at the time the earnings are payable; (ii)  
6 the amount withheld from the judgment debtor's earnings pursuant to an  
7 income execution for any week shall not exceed twenty-five percent of  
8 the disposable earnings of the judgment debtor for that week, or, the  
9 amount by which the disposable earnings of the judgment debtor for that  
10 week exceed the greater of thirty times the federal minimum hourly wage  
11 prescribed by the Fair Labor Standards Act of 1938 or thirty times the  
12 state minimum hourly wage prescribed in section six hundred fifty-two of  
13 the labor law as in effect at the time the earnings are payable, which-  
14 ever is less; (iii) if the earnings of the judgment debtor are also  
15 subject to deductions for alimony, support or maintenance for family  
16 members or former spouses pursuant to section five thousand two hundred  
17 forty-one or section five thousand two hundred forty-two of this arti-  
18 cle, the amount withheld from the judgment debtor's earnings pursuant to  
19 this section shall not exceed the amount by which twenty-five percent of  
20 the disposable earnings of the judgment debtor for that week exceeds the  
21 amount deducted from the judgment debtor's earnings in accordance with  
22 section five thousand two hundred forty-one or section five thousand two  
23 hundred forty-two of this article ; and (iv) no amount shall be imposed  
24 in judgments arising from a medical debt action brought by a hospital  
25 licensed under article twenty-eight of the public health law or a health  
26 care professional authorized under title eight of the education law.  
27 Nothing in this section shall be construed to modify, abrogate, impair,  
28 or affect any exemption from the satisfaction of a money judgment other-  
29 wise granted by law.

30 § 3. This act shall take effect immediately.