STATE OF NEW YORK

7801

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. LAVINE -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to prima facie proof of damages

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

Section 1. Rule 4533-a of the civil practice law and rules, as amended by chapter 249 of the laws of 1988, is amended to read as follows:

Rule 4533-a. Prima facie proof of damages. [~~An~~] **Except in small claims actions as defined by section eighteen hundred one of the New York city civil court act, section eighteen hundred one of the uniform city court act, section eighteen hundred one of the uniform district court act, and section eighteen hundred one of the uniform justice court act, an** itemized bill or invoice, receipted or marked paid, for services or repairs of an amount not in excess of [~~two~~] **five** thousand dollars is admissible in evidence and is prima facie evidence of the reasonable value and necessity of such services or repairs itemized therein in any civil action provided it bears a certification by the person, firm or corporation, or an authorized agent or employee thereof, rendering such services or making such repairs and charging for the same, and contains a verified statement that no part of the payment received therefor will be refunded to the debtor, and that the amounts itemized therein are the usual and customary rates charged for such services or repairs by the affiant or his employer; and provided further that a true copy of such itemized bill or invoice together with a notice of intention to introduce such bill or invoice into evidence pursuant to this rule is served upon each party at least ten days before the trial. No more than one bill or invoice from the same person, firm or corporation to the same debtor shall be admissible in evidence under this rule in the same action.

§ 2. This act shall take effect immediately and shall apply to all actions and proceedings commenced on and after such effective date.

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

LBD10361-01-1