STATE OF NEW YORK

5294

2021-2022 Regular Sessions

IN SENATE

March 1, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the uniform justice court act, in relation to raising the jurisdictional amount for small claims cases

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

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

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

§ 2. Section 202 of the uniform justice court act, as amended by chapter 685 of the laws of 1977, is amended to read as follows:

§ 202. Money actions and actions to recover chattels.

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

§ 3. Section 208 of the uniform justice court act, as amended by chapter 685 of the laws of 1977, is amended to read as follows:

§ 208. Counterclaims.

The Court shall have jurisdiction of any counterclaim whose subject matter would be within its jurisdiction if sued upon separately. If a

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

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counterclaim for money only in excess of [~~$3000~~] ten thousand dollars is interposed, the court may entertain it to the extent of [~~$3000~~] ten thousand dollars but it shall be deemed waived as to the excess above [~~$3000~~] ten thousand dollars.

§ 4. Section 211 of the uniform justice court act, as amended by chapter 685 of the laws of 1977, is amended to read as follows:

§ 211. Joinder of causes of action in complaint; effect on jurisdiction.

Where several causes of action are asserted in the complaint, and each of them would be within the jurisdiction of the court if sued upon separately, the court shall have jurisdiction of the action. In such case judgment may be rendered by the court in excess of [~~$3000~~] ten thousand dollars if such excess result solely because of such joinder.

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

§ 1801. Small claims defined.

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

§ 6. This act shall take effect on the ninetieth day after it shall have become a law.