

STATE OF NEW YORK

6522

2021-2022 Regular Sessions

IN SENATE

May 4, 2021

Introduced by Sen. RIVERA -- 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 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 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.