

STATE OF NEW YORK

6749

2021-2022 Regular Sessions

IN SENATE

May 14, 2021

Introduced by Sen. BRISPORT -- 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 the commencement of an action on a money judgment; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision (b) of section 211 of the civil practice law
2 and rules is REPEALED.

3 § 2. The section heading and subdivisions 6 and 7 of section 214 of
4 the civil practice law and rules, the section heading and subdivision 7
5 as separately amended by chapters 485 and 682 of the laws of 1986,
6 subdivision 6 as amended by chapter 623 of the laws of 1996, are amended
7 and a new subdivision 8 is added to read as follows:

8 Actions to be commenced within three years~~[- for non-payment of money~~
9 ~~collected on execution; for penalty created by statute; to recover chat-~~
10 ~~tel; for injury to property; for personal injury; for malpractice other~~
11 ~~than medical, dental or podiatric malpractice; to annul a marriage on~~
12 ~~the ground of fraud]~~.

13 6. an action to recover damages for malpractice, other than medical,
14 dental or podiatric malpractice, regardless of whether the underlying
15 theory is based in contract or tort; ~~[and]~~

16 7. an action to annul a marriage on the ground of fraud; the time
17 within which the action must be commenced shall be computed from the
18 time the plaintiff discovered the facts constituting the fraud, but if
19 the plaintiff is a person other than the spouse whose consent was
20 obtained by fraud, the time within which the action must be commenced
21 shall be computed from the time, if earlier, that that spouse discovered
22 the facts constituting the fraud~~[-]; and~~

23 8. an action on a money judgment; a money judgment shall be presumed
24 to be paid and satisfied after the expiration of three years from the

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

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1 time when the party recovering such judgment was first entitled to
2 enforce it. This presumption is conclusive and may be availed of under
3 an allegation that the action was not commenced within the time limited.
4 § 3. This act shall take effect immediately.