

STATE OF NEW YORK

2849

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

Introduced by Sen. BRESLIN -- 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 civil jurisdictional limits and increasing filing fees

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

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

4 a. The court shall have jurisdiction as set forth in this article and
5 as elsewhere provided by law~~[, subject, in the case of a city court~~
6 ~~governed by this act, to the limitations stated in § 2300 (b) (2) (i) of~~
7 ~~this act]~~. The phrase "~~[\$3000]~~ \$5000", whenever it appears herein, shall
8 be taken to mean "~~[\$3000]~~ \$5000 exclusive of interest and costs"~~[, except that, in the case of a city court governed by this act whose~~
9 ~~monetary jurisdiction is, pursuant to § 2300 (b) (2) (i) of this act,~~
10 ~~below \$3000, it shall be taken to mean such lesser sum as is applicable~~
11 ~~in the particular court, exclusive of interest and costs]~~.

12
13 § 2. Section 202 of the uniform justice court act, as amended by chap-
14 ter 685 of the laws of 1977, is amended to read as follows:

15 § 202. Money actions and actions to recover chattels.

16 Notwithstanding any other provision of law, the court shall have
17 jurisdiction of actions and proceedings for the recovery of money or
18 chattels where the amount sought to be recovered or the value of the
19 property does not exceed [~~\$3000~~] \$5000.

20 § 3. Section 1801 of the uniform justice court act, as amended by
21 chapter 485 of the laws of 2021, is amended to read as follows:

22 § 1801. Small claims defined.

23 The term "small claim" or "small claims" as used in this act shall
24 mean and include any cause of action for money only not in excess of
25 [~~three~~] five thousand dollars exclusive of interest and costs, provided

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

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1 that the defendant either resides, or has an office for the transaction
2 of business or a regular employment within the municipality where the
3 court is located, or where claimant is or was a tenant or lessee of real
4 property owned by the defendant and the claim relates to such tenancy or
5 lease, and such real property is situated within the municipality where
6 the court is located. However, where a judge of the county court, pursu-
7 ant to subdivision (g) of section three hundred twenty-five of the civil
8 practice law and rules, transfers a small claim from the town or village
9 court having jurisdiction over the matter to another town or village
10 court within the same county, the court to which it is transferred shall
11 have jurisdiction to determine the claim.

12 § 4. Subdivision (a) of section 1803 of the uniform justice court act,
13 as amended by chapter 485 of the laws of 2021, is amended to read as
14 follows:

15 (a) Small claims shall be commenced upon the payment by the claimant
16 of a filing fee of [~~ten~~] **fifteen** dollars for claims in the amount of one
17 thousand dollars or less and [~~fifteen~~] **twenty** dollars for claims in the
18 amount of more than one thousand dollars, without the service of a
19 summons and, except by special order of the court, without the service
20 of any pleading other than a statement of his cause of action by the
21 claimant or someone in his behalf to the clerk, who shall reduce the
22 same to a concise, written form and record it in a filing system main-
23 tained especially for such purpose. Such procedure shall provide for the
24 sending of notice of such claim by ordinary first class mail and certi-
25 fied mail with return receipt requested to the party complained against
26 (1) at his residence, if he resides within the county and his residence
27 is known to the claimant, (2) at his office or place of regular employ-
28 ment within the municipality if he does not reside within the county or
29 his residence within the county is not known to the claimant, or (3)
30 where claimant is or was a tenant or lessee of real property owned by
31 the defendant and the claim relates to such tenancy or lease and the
32 notice of claim cannot be sent under paragraph one or two of this subdi-
33 vision, at any place in the county or an adjoining county where claimant
34 may mail or otherwise deliver rent. If, after the expiration of twenty-
35 one days, such ordinary first class mailing has not been returned as
36 undeliverable, the party complained against shall be presumed to have
37 received notice of such claim. Such notice shall include a clear
38 description of the procedure for filing a counterclaim, pursuant to
39 subdivision (c) of this section.

40 Such procedure shall further provide for an early hearing upon and
41 determination of such claim. No filing fee, however, shall be demanded
42 or received on small claims of employees who shall comply with section
43 nineteen hundred twelve of this act which is hereby made applicable,
44 except that necessary mailing costs shall be paid.

45 § 5. This act shall take effect on the first of January next succeed-
46 ing the date on which it shall have become a law and shall apply to
47 actions or proceedings filed on or after such date.