STATE OF NEW YORK

7517

2023-2024 Regular Sessions

IN SENATE

June 2, 2023

Introduced by Sen. SEPULVEDA -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil practice law and rules, in relation to providing for the admissibility in evidence of certain itemized bills or invoices for services or repairs not in excess of five thousand dollars as 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 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 **or her** 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.

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

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