

STATE OF NEW YORK

5546--B

2025-2026 Regular Sessions

IN SENATE

February 24, 2025

Introduced by Sens. HOYLMAN-SIGAL, CLEARE, GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, the New York city civil court act, the judiciary law, the uniform city court act, the uniform district court act and the uniform justice court act, in relation to redefining consumer credit transaction to consumer debt

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

1 Section 1. Section 105 of the civil practice law and rules is amended
2 by adding a new subdivision (f-1) to read as follows:

3 (f-1) Consumer debt. The term "consumer debt" means any obligation or
4 alleged obligation, whether contingent or absolute, of any natural
5 person to pay money arising out of a transaction in which the money,
6 property, insurance or services which are the subject of the transaction
7 are primarily for personal, family or household purposes, whether or not
8 such obligation has been reduced to judgment, including, but not limited
9 to, a consumer credit transaction, as defined in subdivision (f) of this
10 section and medical debt, as referenced in section two hundred thir-
11 teen-d of this chapter. "Consumer debt" shall not include obligation or
12 alleged obligation to pay money secured by real property, nor shall it
13 include an obligation or alleged obligation to pay money when sought
14 within a summary proceeding to recover possession of real property under
15 article seven of the real property actions and proceedings law.

16 § 2. Subdivision (a) of section 301 of the New York city civil court
17 act, as amended by chapter 238 of the laws of 1973, is amended to read
18 as follows:

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

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1 (a) in an action arising out of a [~~consumer credit transaction~~]
2 consumer debt where a purchaser, borrower, or a debtor is a defendant,
3 if a defendant resides in the city of New York, or if such transaction
4 took place therein, in the county in which a defendant resides at the
5 commencement thereof or in the county in which such transaction took
6 place, and in all other cases, in the county in which one of the parties
7 resides at the commencement thereof; or

8 § 3. Subdivision (d) of section 401 of the New York city civil court
9 act, as added by chapter 302 of the laws of 1970, is amended to read as
10 follows:

11 (d) The summons served in an action arising from a [~~consumer credit~~
12 ~~transaction~~] consumer debt must be printed legibly in both Spanish and
13 English.

14 § 4. Subdivisions (b-1) and (n) of section 1911 of the New York city
15 civil court act, as added by section 3 of part K of chapter 56 of the
16 laws of 2010, are amended to read as follows:

17 (b-1) Upon filing the first paper in an action or proceeding arising
18 out of a [~~consumer credit transaction~~] consumer debt as defined in
19 subdivision [(f)] (f-1) of section one hundred five of the civil prac-
20 tice law and rules, an additional ninety-five dollars.

21 (n) Upon the filing of a judgment by a plaintiff on or after September
22 first, two thousand ten in an action or proceeding arising out of a
23 [~~consumer credit transaction~~] consumer debt as defined in subdivision
24 [(f)] (f-1) of section one hundred five of the civil practice law and
25 rules, ninety-five dollars, provided such action or proceeding was
26 commenced prior to such date and no additional fee was paid therein
27 pursuant to subdivision (b-1) of this section.

28 § 5. Section 2101 of the New York city civil court act is amended by
29 adding a new subdivision (h) to read as follows:

30 (h) "Consumer debt" means any obligation or alleged obligation, wheth-
31 er contingent or absolute, of any natural person to pay money arising
32 out of a transaction in which the money, property, insurance or services
33 which are the subject of the transaction are primarily for personal,
34 family or household purposes, whether or not such obligation has been
35 reduced to judgment, including but not limited to, a consumer credit
36 transaction, as defined in subdivision (g) of this section. "Consumer
37 debt" shall not include an obligation or alleged obligation to pay money
38 secured by real property, nor shall it include an obligation or alleged
39 obligation to pay money when sought within a summary proceeding to
40 recover possession of real property under article seven of the real
41 property actions and proceedings law.

42 § 6. Section 214-i of the civil practice law and rules, as added by
43 chapter 593 of the laws of 2021, is amended to read as follows:

44 § 214-i. Certain actions arising out of [~~consumer credit transactions~~]
45 consumer debt to be commenced within three years. An action arising out
46 of a [~~consumer credit transaction~~] consumer debt where a purchaser,
47 borrower or debtor is a defendant must be commenced within three years,
48 except as provided in section two hundred thirteen-a of this article or
49 article 2 of the uniform commercial code or article 36-B of the general
50 business law. Notwithstanding any other provision of law, when the
51 applicable limitations period expires, any subsequent payment toward,
52 written or oral affirmation of or other activity on the debt does not
53 revive or extend the limitations period.

54 § 7. Subdivision (a) of rule 305 of the civil practice law and rules,
55 as amended by chapter 39 of the laws of 1996, is amended to read as
56 follows:

1 (a) Summons; supplemental summons. A summons shall specify the basis
2 of the venue designated and if based upon the residence of the plaintiff
3 it shall specify the plaintiff's address, and also shall bear the index
4 number assigned and the date of filing with the clerk of the court. A
5 third-party summons shall also specify the date of filing of the third-
6 party summons with the clerk of the court. The summons in an action
7 arising out of a [~~consumer credit transaction~~] consumer debt shall prom-
8 inently display at the top of the summons the words [~~"consumer credit~~
9 ~~transaction"~~] "consumer debt" and, where a purchaser, borrower or debtor
10 is a defendant, shall specify the county of residence of a defendant, if
11 one resides within the state, and the county where the [~~consumer credit~~
12 ~~transaction~~] transaction from which the consumer debt arose took place,
13 if it is within the state. Where, upon order of the court or by stipu-
14 lation of all parties or as of right pursuant to section 1003, a new
15 party is joined in the action and the joinder is not made upon the new
16 party's motion, a supplemental summons specifying the pleading which the
17 new party must answer shall be filed with the clerk of the court and
18 served upon such party.

19 § 8. The section heading and the opening paragraph of subdivision (a)
20 of section 306-d of the civil practice law and rules, as added by chap-
21 ter 593 of the laws of 2021, are amended to read as follows:

22 Additional mailing of notice in [~~an action arising out of a consumer~~
23 ~~credit transaction~~] a consumer debt action.

24 At the time of filing with the clerk of the proof of service of the
25 summons and complaint in an action arising out of a [~~consumer credit~~
26 ~~transaction~~] consumer debt, the plaintiff shall submit to the clerk a
27 stamped, unsealed envelope addressed to the defendant together with a
28 written notice in clear type of no less than twelve-point in size, in
29 both English and Spanish, and containing the following language:

30 § 9. Subdivision (f) of section 503 of the civil practice law and
31 rules, as added by chapter 238 of the laws of 1973, is amended to read
32 as follows:

33 (f) [~~Consumer credit transaction~~] Consumer debt. In an action arising
34 out of a [~~consumer credit transaction~~] consumer debt where a purchaser,
35 borrower or debtor is a defendant, the place of trial shall be the resi-
36 dence of a defendant, if one resides within the state or the county
37 where such transaction took place, if it is within the state, or, in
38 other cases, as set forth in subdivision (a).

39 § 10. The section heading and subdivision (a) of section 513 of the
40 civil practice law and rules, as added by chapter 238 of the laws of
41 1973, are amended to read as follows:

42 Misplacement of venue in [~~consumer credit transactions~~] consumer debt
43 actions. (a) In an action arising out of a [~~consumer credit transaction~~]
44 consumer debt, the clerk shall not accept a summons for filing when it
45 appears upon its face that the proper venue is a county other than the
46 county where such summons is offered for filing.

47 § 11. Subdivision (b) of section 601 of the civil practice law and
48 rules, as added by chapter 602 of the laws of 1996, is amended to read
49 as follows:

50 (b) Two or more plaintiffs may join no more than five claims in any
51 one action or proceeding against the same defendant arising out of sepa-
52 rate [~~consumer credit transactions~~] consumer debts, provided that the
53 plaintiffs are represented by the same attorney.

54 § 12. Subdivision (a) of section 3012 of the civil practice law and
55 rules, as amended by chapter 593 of the laws of 2021, is amended to read
56 as follows:

1 (a) Service of pleadings. The complaint may be served with the
2 summons, except that in an action arising out of a [~~consumer credit~~
3 ~~transaction~~] consumer debt, the complaint shall be served with the
4 summons. A subsequent pleading asserting new or additional claims for
5 relief shall be served upon a party who has not appeared in the manner
6 provided for service of a summons. In any other case, a pleading shall
7 be served in the manner provided for service of papers generally.
8 Service of an answer or reply shall be made within twenty days after
9 service of the pleading to which it responds.

10 § 13. Subdivision (j) of rule 3016 of the civil practice law and
11 rules, as added by chapter 593 of the laws of 2021, is amended to read
12 as follows:

13 (j) [~~Consumer credit transactions~~] Consumer debts. In an action aris-
14 ing out of a [~~consumer credit transaction~~] consumer debt where a
15 purchaser, borrower or debtor is a defendant, the contract or other
16 written instrument establishing the consumer debt on which the action is
17 based shall be attached to the complaint, however, for the purposes of
18 this section, if the account was a revolving credit account, the charge-
19 off statement may be attached to the complaint instead of the contract
20 or other written instrument[~~, and~~]. For all actions arising out of a
21 consumer debt, the following information shall be set forth in the
22 complaint:

23 (1) The name of the original creditor;

24 (2) The last four digits of the account number printed on the most
25 recent [~~monthly~~] statement recording a purchase or service transaction,
26 last payment or balance transfer, or other unique identifying informa-
27 tion associated with the consumer debt where no account number exists;

28 (3) The date [~~and~~], amount, and recipient of the last payment or, if
29 no payment was made, a statement that the purchaser, borrower or debtor
30 made no payment on the account;

31 (4) If the complaint contains a cause of action based on an account
32 stated, the date on or about which the final statement of account was
33 provided to the defendant;

34 (5) (A) Except as provided in subparagraph (B) of this paragraph, an
35 itemization of the amount sought, by (i) principal; (ii) finance charge
36 or charges; (iii) fees imposed by the original creditor; (iv) collection
37 costs; (v) attorney's fees; (vi) interest; and (vii) any other fees and
38 charges[~~+~~];

39 (B) If the account was a revolving credit account, an itemization of
40 the amount sought, by: (i) the total amount of the debt due as of
41 charge-off; (ii) the total amount of interest accrued since charge-off;
42 (iii) the total amount of non-interest charges or fees accrued since
43 charge-off; and (iv) the total amount of payments and/or credits made on
44 the debt since charge-off;

45 (6) The account balance printed on the most recent [~~monthly~~] statement
46 recording a purchase or service transaction, last payment or balance
47 transfer;

48 (7) (A) Whether the plaintiff is the original creditor[~~+~~];

49 (B) If the plaintiff is not the original creditor, the complaint shall
50 also state (i) the date on which the debt was sold or assigned to the
51 plaintiff; (ii) the name of each previous owner of the account from the
52 original creditor to the plaintiff and the date on which the debt was
53 assigned to that owner by the original creditor or subsequent owner; and
54 (iii) the amount due at the time of the sale or assignment of the debt
55 by the original creditor; and

1 (8) Any matters required to be stated with particularity pursuant to
2 rule 3015 of this article.

3 § 14. Subdivision (e) of rule 3211 of the civil practice law and
4 rules, as amended by chapter 593 of the laws of 2021, is amended to read
5 as follows:

6 (e) Number, time and waiver of objections; motion to plead over. At
7 any time before service of the responsive pleading is required, a party
8 may move on one or more of the grounds set forth in subdivision (a) of
9 this rule, and no more than one such motion shall be permitted. Any
10 objection or defense based upon a ground set forth in paragraphs one,
11 three, four, five and six of subdivision (a) of this rule is waived
12 unless raised either by such motion or in the responsive pleading. A
13 motion based upon a ground specified in paragraph two, seven or ten of
14 subdivision (a) of this rule may be made at any subsequent time or in a
15 later pleading, if one is permitted; an objection that the summons and
16 complaint, summons with notice, or notice of petition and petition was
17 not properly served is waived if, having raised such an objection in a
18 pleading, the objecting party does not move for judgment on that ground
19 within sixty days after serving the pleading, unless the court extends
20 the time upon the ground of undue hardship. The foregoing sentence shall
21 not apply in any proceeding to collect a debt arising out of a [~~consumer~~
22 ~~credit transaction~~] consumer debt where a consumer is a defendant or
23 under subdivision one or two of section seven hundred eleven of the real
24 property actions and proceedings law. The papers in opposition to a
25 motion based on improper service shall contain a copy of the proof of
26 service, whether or not previously filed. An objection based upon a
27 ground specified in paragraph eight or nine of subdivision (a) of this
28 rule is waived if a party moves on any of the grounds set forth in
29 subdivision (a) of this rule without raising such objection or if,
30 having made no objection under subdivision (a) of this rule, [~~he or she~~
31 such party] does not raise such objection in the responsive pleading
32 which, in any action to collect a debt arising out of a [~~consumer credit~~
33 ~~transaction~~] consumer debt where a consumer is a defendant, includes any
34 amended responsive pleading.

35 § 15. The opening paragraph, the opening paragraph of paragraph 1 and
36 paragraph 3 of subdivision (j) of rule 3212 of the civil practice law
37 and rules, as added by chapter 593 of the laws of 2021, are amended to
38 read as follows:

39 Additional notice in any action to collect a [~~debt arising out of a~~
40 ~~consumer credit transaction~~] consumer debt where a consumer is a defend-
41 ant.

42 At the time of service of a notice of motion any part of which
43 requests summary judgment in whole or in part, where the moving party is
44 a plaintiff and the respondent is a consumer defendant in [~~an~~] a consum-
45 er debt action [~~to collect a debt arising out of a consumer credit tran-~~
46 ~~saction~~], and where the consumer defendant against whom summary judgment
47 is sought is not represented by an attorney, the plaintiff shall submit
48 to the clerk a stamped, unsealed envelope addressed to the defendant
49 together with the following additional notice in English and Spanish to
50 be printed in clear type no less than twelve-point in size:

51 3. The chief administrative judge shall issue a Spanish translation of
52 the notice in paragraph one of this subdivision and shall maintain and
53 publish the URL address for the web page containing consumer [~~credit~~
54 debt] resources for unrepresented litigants.

55 § 16. Section 3213 of the civil practice law and rules, as amended by
56 chapter 593 of the laws of 2021, is amended to read as follows:

1 § 3213. Motion for summary judgment in lieu of complaint. When an
2 action is based upon an instrument for the payment of money only or upon
3 any judgment, the plaintiff may serve with the summons a notice of
4 motion for summary judgment and the supporting papers in lieu of a
5 complaint. The summons served with such motion papers shall require the
6 defendant to submit answering papers on the motion within the time
7 provided in the notice of motion. The minimum time such motion shall be
8 noticed to be heard shall be as provided by subdivision (a) of rule 320
9 for making an appearance, depending upon the method of service. If the
10 plaintiff sets the hearing date of the motion later than the minimum
11 time therefor, [~~he~~] such plaintiff may require the defendant to serve a
12 copy of [~~his~~] their answering papers upon [~~him~~] such plaintiff within
13 such extended period of time, not exceeding ten days, prior to such
14 hearing date. No default judgment may be entered pursuant to subdivision
15 (a) of section 3215 prior to the hearing date of the motion. If the
16 motion is denied, the moving and answering papers shall be deemed the
17 complaint and answer, respectively, unless the court orders otherwise.
18 The additional notice required by subdivision (j) of rule 3212 shall be
19 applicable to a motion made pursuant to this section in any action to
20 collect a [~~debt arising out of a consumer credit transaction~~] consumer
21 debt where a consumer is a defendant.

22 § 17. Subdivisions (f) and (j) of section 3215 of the civil practice
23 law and rules, as amended by section 1 of subpart A of part Y of chapter
24 57 of the laws of 2023, are amended to read as follows:

25 (f) Proof. On any application for judgment by default, the applicant
26 shall file proof of service of the summons and the complaint, or a
27 summons and notice served pursuant to subdivision (b) of rule 305 or
28 subdivision (a) of rule 316 of this chapter, and proof of the facts
29 constituting the claim, the default and the amount due, including, if
30 applicable, a statement that the interest rate for consumer debt pursu-
31 ant to section five thousand four of this chapter applies, by affidavit
32 made by the party, or where the state of New York is the plaintiff, by
33 affidavit made by an attorney from the office of the attorney general
34 who has or obtains knowledge of such facts through review of state
35 records or otherwise. Where a verified complaint has been served, it may
36 be used as the affidavit of the facts constituting the claim and the
37 amount due; in such case, an affidavit as to the default shall be made
38 by the party or the party's attorney. In an action arising out of a
39 [~~consumer credit transaction~~] consumer debt, if the plaintiff is not the
40 original creditor, the applicant shall include: (1) an affidavit by the
41 original creditor of the facts constituting the debt, the default in
42 payment, the sale or assignment of the debt, and the amount due at the
43 time of sale or assignment; (2) for each subsequent assignment or sale
44 of the debt to another entity, an affidavit of sale of the debt by the
45 debt seller, completed by the seller or assignor; and (3) an affidavit
46 of a witness of the plaintiff, which includes a chain of title of the
47 debt, completed by the plaintiff or plaintiff's witness. In an action
48 arising from medical debt, if the plaintiff is not a hospital licensed
49 under article twenty-eight of the public health law or a health care
50 professional authorized under title eight of the education law, the
51 applicant shall include: (1) an affidavit by the hospital or health care
52 professional of the facts constituting the medical debt, the default in
53 payment, the sale or assignment of the medical debt, and the amount due
54 at the time of sale or assignment; (2) for each subsequent assignment or
55 sale of the medical debt to another entity, an affidavit of sale of the
56 medical debt by the debt seller, completed by the seller or assignor;

1 and (3) an affidavit of a witness of the plaintiff, which includes a
2 chain of title of the medical debt, completed by the plaintiff or
3 plaintiff's witness. The chief administrative judge shall issue form
4 affidavits to satisfy the requirements of this subdivision for [~~consumer~~
5 ~~credit-transactions~~] consumer debt and actions arising from medical
6 debt. When jurisdiction is based on an attachment of property, the affi-
7 davit must state that an order of attachment granted in the action has
8 been levied on the property of the defendant, describe the property and
9 state its value. Proof of mailing the notice required by subdivision (g)
10 of this section, where applicable, shall also be filed.

11 (j) Affidavit. A request for a default judgment entered by the clerk,
12 must be accompanied by an affidavit by the plaintiff or plaintiff's
13 attorney stating that after reasonable inquiry, [~~he or she~~] such plain-
14 tiff or plaintiff's attorney has reason to believe that the statute of
15 limitations has not expired. The chief administrative judge shall issue
16 form affidavits to satisfy the requirements of this subdivision for
17 [~~consumer-credit-transactions~~] consumer debts and actions arising from
18 medical debt.

19 § 18. Subdivision (b) of section 5004 of the civil practice law and
20 rules, as amended by chapter 831 of the laws of 2021, is amended to read
21 as follows:

22 (b) For the purpose of this section "consumer debt" means any obli-
23 gation or alleged obligation, whether contingent or absolute, of any
24 natural person to pay money arising out of a transaction in which the
25 money, property, insurance or services which are the subject of the
26 transaction are primarily for personal, family or household purposes,
27 whether or not such obligation has been reduced to judgment, including,
28 but not limited to, a consumer credit transaction, as defined in subdivi-
29 sion (f) of section one hundred five of this chapter and medical debt
30 as referenced in section two hundred thirteen-d of this chapter.

31 § 19. Section 7516 of the civil practice law and rules, as added by
32 chapter 593 of the laws of 2021, is amended to read as follows:

33 § 7516. Confirmation of an award based on a [~~consumer-credit-trans-~~
34 ~~action~~] consumer debt. In any proceeding under section 7510 of this
35 article to confirm an award based on a [~~consumer-credit-transaction~~]
36 consumer debt, the party seeking to confirm the award shall plead the
37 actual terms and conditions of the agreement to arbitrate. The party
38 shall attach to its petition (a) the agreement to arbitrate; (b) the
39 demand for arbitration or notice of intention to arbitrate, with proof
40 of service; and (c) the arbitration award, with proof of service. If the
41 award does not contain a statement of the claims submitted for arbi-
42 tration, of the claims ruled upon by the arbitrator, and of the calcu-
43 lation of figures used by the arbitrator in arriving at the award, then
44 the petition shall contain such a statement. The court shall not grant
45 confirmation of an award based on a [~~consumer-credit-transaction~~]
46 consumer debt unless the party seeking to confirm the award has complied
47 with this section.

48 § 20. Paragraph (aa) of subdivision 2 of section 212 of the judiciary
49 law, as added by chapter 593 of the laws of 2021, is amended to read as
50 follows:

51 (aa) Not later than January first, two thousand twenty-two, make
52 available Spanish translations of the additional notices in [~~consumer~~
53 ~~credit-transaction~~] consumer debt actions and proceedings required by
54 section 306-d and subdivision (j) of rule 3212 of the civil practice law
55 and rules, and make available form affidavits required for a motion for
56 default judgment in a [~~consumer-credit-transaction~~] consumer debt action

1 or proceeding required by subdivision (f) of section 3215 of the civil
2 practice law and rules.

3 § 21. Paragraph 1-a of subdivision (a) of section 1911 of the uniform
4 city court act, as added by section 2 of part K of chapter 56 of the
5 laws of 2010, is amended to read as follows:

6 (1-a) Upon filing the first paper in an action or proceeding arising
7 out of a [~~consumer credit transaction~~] consumer debt as defined in
8 subdivision [~~(f)~~] (f-1) of section one hundred five of the civil prac-
9 tice law and rules, an [~~addition~~] additional ninety-five dollars.

10 § 22. Paragraph 2-a of subdivision (a) of section 1911 of the uniform
11 district court act, as added by section 1 of part K of chapter 56 of the
12 laws of 2010, is amended to read as follows:

13 (2-a) Upon filing the first paper in an action or proceeding arising
14 out of a [~~consumer credit transaction~~] consumer debt as defined in
15 subdivision [~~(f)~~] (f-1) of section one hundred five of the civil prac-
16 tice law and rules, an additional ninety-five dollars.

17 § 23. Paragraph 1 of subdivision (a) of section 1911 of the uniform
18 justice court act is amended by adding a new subparagraph a-1 to read as
19 follows:

20 a-1. Upon filing the first paper in an action or proceeding arising
21 out of a consumer debt as defined in subdivision (f-1) of section one
22 hundred five of the civil practice law and rules, an additional ninety-
23 five dollars.

24 § 24. Within six months of the effective date of this act, all court
25 rules and forms relating to actions arising from consumer credit trans-
26 actions, as defined in subdivision (f) of section 105 of the civil prac-
27 tice law and rules, in New York state shall be revised to amend the term
28 "consumer credit transaction" to "consumer debt", as that term is now
29 defined in subdivision (f-1) of section 105 of the civil practice law
30 and rules. The chief administrator of the courts shall oversee this
31 process, which shall include, but not be limited to, amendments to New
32 York Court Rules sections 202.5 (e)(4), 202.5-bb(a)(2)(vi), 202.27-a(1),
33 202.27-a(b), 202.27-a(e), 202.27-b, 208.4(b)(4), 208.6(d), 208.14-a(1),
34 208.14-a(b), 208.14-a(e), 210.14-b, 210.4(b)(4), 212.14-a(1),
35 212.14-(a)(b), 212.14-a(e), 212.14-b, 212.4(b)(4), 214.12(4).

36 § 25. This act shall take effect on the ninetieth day after it shall
37 have become a law. Effective immediately, the addition, amendment and/or
38 repeal of any rule or regulation necessary for the implementation of
39 this act on its effective date are authorized to be made and completed
40 on or before such effective date.