STATE OF NEW YORK

8137

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to enacting the "civil justice protection act"

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

Section 1. Short title. This act shall be known and may be cited as the "civil justice protection act (CJPA)".

§ 2. The general business law is amended by adding a new section 393-dd to read as follows:

§ 393-dd. The civil justice protection act. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Person" shall mean a natural person residing in this state or purchasing personal goods or services in this state.

(b) "Personal goods or services" shall mean any: (i) goods, wares, or paid merchandise the intended use or benefit of which is for the personal, family or household purpose of any person; and (ii) services of whatever nature the intended use or benefit of which are for the personal, family or household use or benefit of any person, including but not limited to medical services, assisted living services, or nursing home services. This term shall not mean goods or services purchased or sold for the use or benefit of a business or for the purpose of engaging in business activity.

(c) "Covered dispute" shall mean a dispute arising out of a contract or agreement between a person and the seller or provider of personal goods or services, or otherwise arising out of the provision of such services.

2. Prohibitions. (a) No written contract for the sale or purchase of personal goods or services, entered into after the effective date of

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

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this section, to which a person is a party, shall contain a clause that requires or that has the effect of requiring such person to:

(i) adjudicate a covered dispute that arises from an act occurring in New York in a forum located in a state other than New York or in a foreign country;

(ii) adjudicate a covered dispute that arises from an act occurring in New York pursuant to the law of a state other than New York or pursuant to the law of a foreign country;

(iii) release any person from liability in a potential covered dispute;

(iv) waive or limit the right to a jury trial to adjudicate a covered dispute;

(v) waive or limit the right of a person to participate in a class action, collective action, or representative action to adjudicate a covered dispute;

(vi) waive or limit the ability of a person to obtain discovery from a party or witness as provided by the New York civil practice law and rules in a civil action to adjudicate a covered dispute;

(vii) shorten or limit the statute of limitations applicable to a covered dispute that is otherwise established by the laws of this state; or

(viii) limit or restrict the availability of a person to obtain damages or civil penalties in a civil action to adjudicate a covered dispute, including but not limited to an action filed under section three hundred forty-nine of this chapter.

(b) Any provision of a contract entered into in violation of this section is null, void, and unenforceable.

(c) A business violating this section shall be liable for a civil penalty of five hundred dollars for the first offense and one thousand dollars for each offense thereafter.

(d) Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice, that the defendant has, in fact, violated this section an injunction may be issued by such court or justice enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby.

(e) This section shall not apply to any post-dispute settlement agreements.

3. Severability. If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

§ 3. This act shall take effect immediately and shall only apply to contracts entered into after the effective date of this act.