

CHAPTER 898

AN ACT to provide a uniform jurisdiction, practice and procedure for town and village courts in the state of New York and to implement the integration of the town and village courts into the unified court system for the state as contemplated by sections one and seventeen of article six of the constitution of the state of New York, approved by the people on the seventh day of November, nineteen hundred sixty-one

Became a law August 1, 1966, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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

UNIFORM JUSTICE COURT ACT

- Article 1. Organization.
2. Jurisdiction.
4. Summons.
5. Appearance by corporations.
7. Mandates.
8. Provisional remedies.
9. Pleadings.
10. Motions.
11. Disclosure.
12. Subpoenas.
13. Trial.
14. Judgment.
15. Execution.
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ARTICLE 1

ORGANIZATION

- Section 101. Short title.
- 102. Application of UJCA.
 - 103. Titles of justices; incidental powers.
 - 104. Bond and oath of justice.
 - 105. Training and education of justices; expenses thereof; requirements; restriction.
 - 106. Holding of court; place of holding; assignment of justices.
 - 106-a. Reducing number of justices in adjacent towns.
 - 106-b. Election of one or more town justices for two or more towns.
 - 107. Records and dockets of court.
 - 109. Non-judicial personnel; their powers and duties.
 - 110. Enforcement officers.
 - 111. Non-judicial personnel; accounting; oath; bond.

Section 101. Short title.

This act shall be known as the uniform justice court act, and may be cited as "UJCA".

§ 102. Application of UJCA.

The jurisdiction of and practice and procedure in each court governed by the UJCA shall be as prescribed herein, and each such court shall be a part of the unified court system for the state. Such court in each municipality shall have an official seal to be furnished by the municipality upon which shall be engraved the words "Justice Court of the (Town, Village or City) of (insert name of municipality), County of (insert name of county), New York, Seal".

§ 103. Titles of justices; incidental powers.

The title of each justice of:

- a. a town court shall be "Town Justice";
- b. a village court shall be "Village Justice"; and
- c. a court established in and for a city and governed by this act shall be "City Justice".

In addition to such judicial powers as are conferred by law in this act or elsewhere, each justice shall have all of the powers conferred or conferrable on non-judicial personnel of the court.

§ 104. Bond and oath of justice.

Upon assuming office, each justice shall file with the county clerk his oath of office and a bond in an amount fixed by the municipal board and conditioned for the faithful performance of his duties. Additional copies of the oath shall be filed with the administrative board and with the clerk of the municipality.

§ 105. Training and education of justices; expenses thereof; requirements; restriction.

(a) Training. No town or village justice selected for a term of office commencing on or after September first, nineteen hundred sixty-seven, except one who has been admitted to practice law in this state, shall assume the functions of his office unless he has filed with the clerk of his municipality a certificate of completion of a course of education and training prescribed by the administrative board. The administrative board may issue a temporary certificate enabling a town or village justice to assume the functions of his office pending completion of the earliest such course available thereafter. Such certificates shall be in a form, and subject to terms and conditions, prescribed by the administrative board.

(b) Expenses. Notwithstanding any other law, actual and necessary expenses incurred by a justice or justice elect in carrying out the

foregoing requirement shall be a charge against the municipality.

(c) No town or village justice selected for a term of office commencing on or after July first, nineteen hundred seventy-five, shall engage in or accept any employment as a "peace officer" or a "police officer", as those terms are defined in the criminal procedure law.

(d) No town justice selected for a term of office commencing on or after July first, nineteen hundred seventy-seven, shall serve as a member of a town board in a town of the second class.

§ 106. Holding of court; place of holding; assignment of justices.

Each court shall exercise its jurisdiction, civil or criminal, whenever it is invoked.

1. A justice may hold court anywhere in the municipality including in the case of a town justice anywhere within a village wholly or partly contained within the town of which he is a justice regardless of whether or not said village has a village court and in the event two or more contiguous villages maintain offices in the same building, a village justice of any such village may hold court in such building, notwithstanding that the building is outside the boundaries of such village. A town justice may hold court in an adjacent town providing such justice has been elected or holds office pursuant to a plan established by resolution which was adopted pursuant to the provisions of section one hundred six-a of this article or the provisions of section one hundred six-b of this article. A justice may hold court in one or more municipalities that form a contiguous geographic area, including in a town and one or more villages each of which is wholly or partly contained within such town, within the same county providing there is an agreement between such municipalities pursuant to article five-g of the general municipal law to hold all court proceedings in any of the such municipalities in a courtroom or other suitable facility open to the public.

2. The chief administrator of the courts may temporarily assign any justice of another town or village court, or a judge of a city court, to

a town or village court within the county of such judge's or justice's residence or an adjoining county. While temporarily assigned hereunder, any such judge or justice shall have the powers, duties and jurisdiction of a justice of the court to which the assignment is made, including the power to preside over an off-hours arraignment part established in such court pursuant to paragraph (w) of subdivision one of section two hundred twelve of the judiciary law. After the expiration of any temporary assignment hereunder, the judge or justice assigned shall have all the powers, duties and jurisdiction of a judge or justice of the court to which the assignment was made with respect to all matters pending during the term of such temporary assignment. Such judge or justice shall be entitled to such compensation and travel expenses as the chief administrator shall prescribe by rule, payable out of funds appropriated to the state judiciary for such purpose.

3. Notwithstanding the provisions of subdivision one of this section, a village may hold village court proceedings, including jury trials, in that portion of the town or towns in which such village is located beyond the limits of such village where suitable accommodations for such proceedings cannot be obtained within the village and the board of trustees of the village has authorized such extraterritorial proceedings.

4. Notwithstanding the provisions of subdivision one of this section, the town of Watson may hold town court jury trials in the town of Lowville offices or the Lewis county office building when suitable accommodations for such trial cannot be obtained within the town and the town board has authorized such extraterritorial procedures.

5. Notwithstanding the provisions of subdivision one of this section, the village of Saddle Rock, Nassau county, may hold all village court proceedings in that portion of the town of North Hempstead in which such village is located beyond the limits of such village where suitable accommodations for such proceedings cannot be obtained within the village and the board of trustees of the village has authorized such extraterritorial proceedings.

6. Notwithstanding the provisions of subdivision one of this section, a justice of a local criminal court situated in the county of Onondaga may preside as the justice of his or her court anywhere in the county of Onondaga for the limited purposes of arraignments and/or appearance proceedings pursuant to a bench warrant provided such arraignments and/or proceedings are held in a courtroom wherever possible or other suitable facility open to the public and provided further, that any municipality providing such facilities shall have consented to such usage.

7. Notwithstanding the provisions of subdivision one of this section, the village of Port Dickinson, county of Broome, may hold all village court proceedings in any area of the town of Dickinson if suitable accommodations for such proceedings cannot be obtained within the village and the board of trustees of the village has authorized such extraterritorial proceedings.

8. Notwithstanding the provisions of subdivision one of this section, a justice of a local criminal court situated in the county of Jefferson may preside as the justice of his or her court anywhere in the county of Jefferson for the limited purposes of arraignments and/or appearance proceedings pursuant to a bench warrant provided such arraignments and/or proceedings are held in a courtroom whenever possible or other suitable facility open to the public and provided further, that any municipality providing such facilities shall have consented to such usage.

9. Notwithstanding the provisions of subdivision one of this section, a justice of a local criminal court situated in the county of Rockland may preside as the justice of his or her court anywhere in the county of Rockland for the limited purposes of arraignments and/or appearance proceedings pursuant to a bench warrant provided such arraignments and/or proceedings are held in a courtroom wherever possible or other suitable facility open to the public and provided further, that any municipality providing such facilities shall have consented to such usage.

10. Notwithstanding the provisions of subdivision one of this section, the towns of Elba, Oakfield and Batavia, in the county of Genesee, may hold all town court proceedings in any of the towns of Elba, Oakfield or Batavia, or in the city of Batavia, provided that such proceedings are held in a courtroom or other suitable facility open to the public and the town boards of Elba, Oakfield and Batavia have authorized such extraterritorial proceedings.

* 11. Notwithstanding the provisions of subdivision one of this section, a justice of a local criminal court in which an off-hours arraignment part has been established in accordance with paragraph (w) of subdivision one of section two hundred twelve of the judiciary law may preside as the justice of his or her court anywhere in the county in which such local criminal court is located for the limited purpose of presiding in such off-hours arraignment part and conducting only the proceedings specified in paragraph (w) of subdivision one of section two hundred twelve of the judiciary law.

* NB There are 2 sb 11's

* 11. Notwithstanding the provisions of subdivision one of this section, the town of Canandaigua, in the county of Ontario, may hold all town court proceedings in the city of Canandaigua, provided that such proceedings are held in a courtroom or other suitable facility open to the public and the town board of Canandaigua has authorized such extraterritorial proceedings.

* NB There are 2 sb 11's

§ 106-a. Reducing number of justices in adjacent towns.

1. The town boards of two or more towns that form a contiguous geographic area within the same county are hereby authorized to establish a single town court to be comprised of town justices to be elected from each of such towns in the same manner and for the same terms as town justices are so elected except that the number of such terms expiring in any one year may not exceed by more than one the number of terms expiring in any other year in which terms expire; provided, however, the town boards of the towns of Erin and Chemung in Chemung county are hereby authorized to establish a single town court in

accordance with the provisions of this section. The procedure to establish such single court may be initiated by the town board or may be initiated by petition. In the event the procedure is initiated by petition, the petition shall be addressed to each town board and shall be signed by at least twenty percent of the registered voters in such towns.

2. The petition shall be made upon white paper containing the signatures of qualified electors of each town. The sheets of such a petition shall be numbered consecutively, beginning with number one, at the foot of each sheet. Such petition must set forth in every instance the correct date of signing, the full name of the signer and his or her present residence. A signer need not himself or herself fill in the date or residence.

Each sheet of such petition shall be signed in ink and shall be substantially in the following form:

To the Town Boards of the Towns of and
County of State of New York.

We, the undersigned, duly qualified electors of the towns of and respectfully petition each town board to reduce the number of justices in each town to one justice and provide for the extension of the geographic jurisdiction of such justices to include the area of such towns and also to provide for an orderly transition subject to the approval of the electors of each town as authorized by law.

Date	Signature	Residence
.....		
.....		
.....		
.....		

Statement of Witness:

I.....state: I am over the age of eighteen years and now

reside at.....(residence, address, or post office address if not identical) in the Town of.....in the State of New York, County of.....Each of the electors whose names are subscribed to this petition sheet containing.....(fill in number) signatures, subscribed his or her name in my presence.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

.....
Date Signature of Witness

3. Such petition shall be filed in the office of the town clerk of one of such towns and a certified copy shall be filed in the office of the town clerk of the other town or towns.

4. Any town board may adopt a resolution calling for the reduction of the number of justices in the town and in one or more towns that form a contiguous geographic area. The filing of such original resolution shall have the same effect as the filing of a petition as authorized by this section and the clerk in whose office such resolution was filed shall proceed in the same manner as if such resolution was a duly filed petition. A certified copy of such resolution shall be filed in the office of the town clerk of the other town or towns.

5. Within thirty days after such petition or resolution and the certified copies thereof are filed the town clerk of the town in which the original petition or resolution was filed shall cause a notice to be published once in the official newspaper of each town, or, if there be no official newspaper, in a newspaper published in the county and having general circulation within the area of each town. Such notice shall state that the petition or resolution has been received and that at a specified time not less than twenty days nor more than forty days after the publication of such notice, which place and dates shall be specified therein, a joint hearing will be held upon such petition or resolution by such town boards.

6. The town boards of such towns shall meet at the time and place specified in such notice. The members of the participating boards shall agree on the selection of one of their members to preside at such meeting and in the event no such agreement is reached, he or she shall be chosen by lot. Such town boards shall hear testimony and receive evidence and information which may be presented concerning the petition or resolution to establish a single town court.

7. Within sixty days after the hearing held pursuant to subdivision six of this section the town boards of such adjacent towns shall determine whether or not such petition or resolution shall be approved. In the event one town board disapproves or rejects such petition or resolution, all proceedings under this section shall terminate and the existing court system in such adjacent towns shall continue to the same extent as if no such petition or resolution had been filed.

8. In the event that each respective town board approves such resolution or petition, such boards shall prepare a joint resolution which shall provide that the office of one justice in each town shall be abolished and that the remaining justice in each town shall have jurisdiction in each town to the same extent as if each such justice was elected in each town. Such joint resolution shall provide for the election of at least one town justice every two years but in no case shall the number of terms expiring in any one year exceed by more than one the number of terms expiring in any other year in which terms expire, and shall identify each justice whose office shall be abolished, and shall identify each justice whose office shall be continued.

9. In the event no agreement can be reached as to which offices shall be abolished, the offices to be abolished by such resolution shall be chosen from each of the offices of town justice by lot. However in no case shall an office be chosen by lot to be abolished that would cause the remaining offices to violate the requirements of subdivision eight of this section.

10. Such joint resolution shall be submitted to the electors of each

town at the next general election occurring more than sixty days after the final determination of the language of such resolution.

11. If such resolution is approved by a majority of the qualified persons voting thereon in each town such resolution shall be deemed to be adopted and the plan to establish a single town court shall be implemented in the manner provided in such resolution. If such resolution is disapproved by a majority of the qualified persons voting thereon in one or more towns, such resolution shall be defeated and no further action shall be taken to implement such plan.

12. Any town justice continuing in office pursuant to such plan and any town justice hereafter elected pursuant to the plan established in such resolution shall have jurisdiction in each town in the contiguous geographic area to the same extent and effect as if such town justice were elected in each such town.

13. Each town justice exercising jurisdiction in accordance with this section shall keep a separate set of records and dockets for each town in which he or she exercises jurisdiction and such justice shall also maintain a separate bank account for each town for the deposit of moneys received when exercising jurisdiction in each town.

§ 106-b. Election of one or more town justices for two or more towns.

1. Two or more towns within the same county, acting by and through their town boards, are authorized to jointly undertake a study relating to the election of one or more town justices who shall preside in the town courts of each such town. Such study shall be commenced upon and conducted pursuant to a joint resolution adopted by the town board of each such town. Such joint resolution or a certified copy thereof shall upon adoption be filed in the office of the town clerk of each town which adopts the resolution. No study authorized by this subdivision shall be commenced until the joint resolution providing for the study shall have been filed with the town clerks of at least two towns which adopted such joint resolution.

2. Within thirty days after the conclusion of a study conducted pursuant to subdivision one of this section, each town which shall have adopted the joint resolution providing for the study shall publish, in its official newspaper or, if there be no official newspaper, in a newspaper published in the county and having a general circulation within such town, notice that the study has been concluded and the time, date and place of the town public hearing on such study. Each town shall conduct a public hearing on the study, conducted pursuant to subdivision one of this section, not less than twenty days nor more than thirty days after publication of the notice of such public hearing.

3. The town board of each town party to the study shall conduct a public hearing upon the findings of such study, and shall hear testimony and receive evidence and information thereon with regard to the election of one or more town justices to preside over the town courts of the towns which are parties to the joint resolution providing for the study.

4. Within sixty days of the last public hearing upon a study conducted pursuant to subdivision one of this section, town boards of each town which participated in such study shall determine whether the town will participate in a joint plan providing for the election of one or more town justices to preside in the town courts of two or more towns. Every such joint plan shall only be approved by a town by the adoption of a resolution by the town board providing for the adoption of such joint plan. In the event two or more towns fail to adopt a joint plan, all proceedings authorized by this section shall terminate and the town courts of such towns shall continue to operate in accordance with the existing provisions of law.

5. Upon the adoption of a joint plan by two or more towns, the town boards of the towns adopting such plan shall each adopt a joint resolution providing for:

a. the election of one or more town justices at large to preside in the town courts of the participating towns;

b. the abolition of the existing office of town justice in the participating towns; and

c. the election of one or more town justices shall occur at the next general election of town officers and every fourth year thereafter.

6. Upon the adoption of a joint resolution, such resolution shall be forwarded to the state legislature, and shall constitute a municipal home rule message pursuant to article nine of the state constitution and the municipal home rule law. No such joint resolution shall take effect until state legislation enacting the joint resolution shall have become a law.

7. Every town justice elected to preside in multiple towns pursuant to this section shall have jurisdiction in each of the participating towns, shall preside in the town courts of such towns, shall maintain separate records and dockets for each town court, and shall maintain a separate bank account for each town court for the deposit of moneys received by each town court.

8. In the event any town court operated pursuant to a joint plan enacted into law pursuant to this section is without the services of the one or more town justices because of absence or disability, the provisions of section one hundred six of this article and the town law shall apply.

§ 107. Records and dockets of court.

Each justice shall keep or cause to be kept legible and suitable books, papers, records and dockets of all civil actions and proceedings and all criminal actions and proceedings. The rules may prescribe their form, care, custody and disposition, provided, however, that in any county or part of a county where the district court system has been duly adopted, all the dockets of the town justices then on file or required to be filed, in the office of the town clerk, shall be transferred to the office of the clerk of the district court and there kept and

maintained in the same manner as other official records of the district court and responsibility for such records on the part of the town shall cease.

§ 109. Non-judicial personnel; their powers and duties.

Each court shall have such non-judicial personnel as may be provided by the municipal board. Their powers and duties in addition to those provided by this act, shall be as provided in the rules. All non-judicial personnel of the court shall have the power to administer oaths, take acknowledgments and sign the process or mandate of the court, if so authorized by law, rule or appellate division order.

§ 110. Enforcement officers.

Unless the rules shall otherwise provide, and subject to such variations as they may provide, the enforcement officers of the court shall be, and shall have such powers and duties as are provided in this section and § 701 of this act. Each of such officers shall keep a record of official acts performed by him upon or in connection with the court's process or mandate. The rules may prescribe the manner in which such record shall be maintained.

(a) Civil matters. In civil matters, in addition to such other persons as are designated by the municipal board to be enforcement officers, the enforcement officers shall be, in the case of:

1. a town court, the constables of the town and the sheriff of the county;

2. a village court, the police officers, marshals and constables of the village and the sheriff of the county;

3. a court established in and for a city and governed by this act, the sheriff of the county.

The enforcement officers shall perform the same duties as are performed by sheriffs in courts of record and shall have, within their territorial jurisdiction and subject to any limitations imposed by law or by the rules, such power to serve and execute the processes and mandates of the court as a sheriff has with regard to the processes and mandates of the supreme court.

(b) Criminal matters. In criminal matters any peace officer, acting pursuant to his special duties, or police officer to whom the process or mandate of the court is delivered within the county or any adjoining county shall be the enforcement officer of the court. Each such officer shall have, within his territorial jurisdiction, the powers and duties of a constable of a town in criminal matters. No such officer shall receive any fee for the service or execution of any criminal process or mandate issued out of the court.

§ 111. Non-judicial personnel; accounting; oath; bond.

(a) Accounting. The accounting for and payment over of fees, including those received by an enforcement officer in connection with the service or execution of a process or mandate of the court, shall be as provided by law applicable in the municipality or to the particular non-judicial employee or officer.

(b) Oath. Before entering upon the discharge of his official duties, each non-judicial employee shall take the oath of office prescribed by law and file it in the office of the county clerk. The same requirement shall be applicable to an enforcement officer whose oath of office does not otherwise embrace the duties imposed on him by § 110 of this act.

(c) Bond. With such oath as is required to be filed by subdivision (b) shall be filed a bond, in an amount fixed and approved by the municipal board, conditioned for the faithful performance of duty.

ARTICLE 2

JURISDICTION

Section 201. Jurisdiction; in general.

202. Money actions and actions to recover chattels.

204. Summary proceedings.

- 206. Arbitration.
- 208. Counterclaims.
- 209. Provisional remedies.
- 210. Contempt.
- 211. Joinder of causes of action in complaint; effect on jurisdiction.
- 212. Additional jurisdiction and powers.
- 213. Residence or business within municipality.
- 214. Transferred cases.

§ 201. Jurisdiction; in general.

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

b. Concurrent civil jurisdiction of town court and village court in village. Notwithstanding the provisions of this chapter or section one hundred eighty-six of the village law, the town court and the village court of a village wholly or partly within such town and wherein a court has been established, shall have concurrent civil jurisdiction over causes of action arising within such village.

§ 202. Money actions and actions to recover chattels.

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

§ 204. Summary proceedings.

The court shall have jurisdiction of summary proceedings to recover possession of real property located in whole or in part within the city, to remove tenants therefrom, and to render judgment for rent due without regard to amount. Except as otherwise prohibited pursuant to subdivision three of section seven hundred ninety-seven of the real property actions and proceedings law, the court shall have jurisdiction of summary proceedings commenced under article seven-D of the real property actions and proceedings law relating to real property located in whole or in part within the city, and render relief authorized therein.

§ 206. Arbitration.

(a) No matter required to be decided by the court shall be referred to any arbitrator, referee, advisory jury, or any other person or entity, except as provided by the rules pursuant to subdivision (c).

(b) CPLR article 75, relating to arbitrability and arbitration, shall not be applicable in the court. If it appears to the court that a genuine issue exists as to the arbitrability of the matter for which the action has been brought, the court shall stay the action until such issue has been resolved by a court of competent jurisdiction.

(c) The rules may provide systems of arbitration and conciliation of claims within the courts jurisdiction without reference to CPLR article 75.

§ 208. Counterclaims.

The Court shall have jurisdiction of any counterclaim whose subject matter would be within its jurisdiction if sued upon separately. If a counterclaim for money only in excess of \$3000 is interposed, the court may entertain it to the extent of \$3000 but it shall be deemed waived as to the excess above \$3000.

§ 209. Provisional remedies.

A requisition to seize a chattel may issue out of the court if such requisition might issue out of the supreme court in a like case. No other provisional remedy shall issue by or out of the court.

§ 210. Contempt.

All of the provisions of law governing civil and criminal contempts in like instances in the supreme court shall apply in this court, except that this court shall have no power to punish for contempt a judge or justice of any court.

§ 211. Joinder of causes of action in complaint; effect on jurisdiction.

Where several causes of action are asserted in the complaint, and each of them would be within the jurisdiction of the court if sued upon separately, the court shall have jurisdiction of the action. In such case judgment may be rendered by the court in excess of \$3000 if such excess result solely because of such joinder.

§ 212. Additional jurisdiction and powers.

Except as otherwise provided by law, in the exercise of its jurisdiction the court shall have all of the powers that the supreme court would have in like actions and proceedings.

§ 213. Residence or business within municipality.

(a) In an action described in § 202, either a plaintiff or a defendant must:

1. be a resident of the municipality; or

2. have a regular employment within the municipality; or

3. have a place for the regular transaction of business within the municipality.

(b) A corporation, association or partnership shall, for the purposes of this section, be deemed a resident of the municipality if it has an office or agency or regularly transacts business in the municipality.

(c) The requirements of subdivision (a) shall not apply to a counterclaim, cross-claim, third-party claim, or claim asserted by or against a party who has intervened in the action.

(d) The requirements of this section shall not be deemed jurisdictional; they shall be deemed waived by the plaintiff upon his commencing an action in this court, and they shall be deemed waived by the defendant unless he raises the objection by motion or in his responsive pleading as prescribed in § 1002 of this act. Notwithstanding waiver by the parties, the court may, on its own initiative at any time, dismiss an action which does not satisfy the requirements of this section. Any dismissal under this section shall entitle the parties to the benefit of CPLR § 205, relating to an extension of time to commence a new action.

§ 214. Transferred cases.

In a case brought in the supreme court or county court of Westchester county where money damages only are sought and classification, pretrial or other appropriate procedures in either of said courts or the demand for relief have determined that the potential recovery, assuming liability, in an action or proceeding or counterclaim therein will not exceed the sum of five thousand dollars, exclusive of interest and costs, if such action or proceeding is transferred to a town or village court in the county of Westchester having jurisdiction of the parties under section two hundred thirteen of this act, pursuant to section nineteen of article six of the state constitution, the verdict or judgment of such justice court shall not be subject to the limitation of monetary jurisdiction specified elsewhere in this article for such

court, but shall be subject instead to a monetary jurisdiction not to exceed five thousand dollars, exclusive of interest and costs. Alternatively, for purposes of this section only, in the furtherance of the interests of justice, such transfer may be made (a) to a justice court in a municipality adjacent to a municipality designated in section two hundred thirteen of this act or to a justice court in a municipality adjacent to a city in Westchester county whose court would otherwise have had jurisdiction by the calendar justice of the supreme court or judge of the county court; or (b) to any justice court in the county of Westchester by the administrative judge of the ninth judicial district. Costs incurred by local municipalities in administering their courts as a result of the application of this section shall be a charge against the county of Westchester within the amounts appropriated by the county therefor and subject to reasonable rules and regulations thereof by the county.

ARTICLE 4

SUMMONS

Section 400. Method of commencing action or special proceeding.

401. Summons; issuance; form.

402. Summons; time to appear and answer.

403. Summons; method and place of service.

406. Summons; service by publication authorized.

409. Summons; filing; proof of service.

410. Summons; when service complete.

411. Summons or notice of petition; filing nunc pro tunc.

§ 400. Method of commencing action or special proceeding.

Section three hundred four of the civil practice law and rules shall not apply in this court. An action is commenced in this court and jurisdiction acquired by service of a summons. A special proceeding is commenced and jurisdiction acquired by service of a notice of petition or order to show cause.

§ 401. Summons; issuance; form.

(a) The summons may be issued by the plaintiff's attorney or, if the plaintiff appears without attorney, by the clerk.

(b) The summons shall be in such form as may be provided by rule. It shall contain the residence address of the plaintiff and, if it is issued by the plaintiff's attorney, the latter's office address.

§ 402. Summons; time to appear and answer.

(a) If the summons is personally delivered to the defendant, it shall require him to appear and answer on a day not less than six nor more than thirty days after its service.

(b) If the summons is served:

1. by delivery to a person, including an actual or statutory designee, other than the defendant; or

2. by publication; or

3. by any means other than personal delivery to the defendant, it shall provide that the defendant must appear and answer on a day not less than six nor more than thirty days after service is complete.

(c) The specific return day of the summons shall be determined by rule, or, in the absence of rule, by inquiry of the court, and shall not be set forth in the summons until so ascertained by the plaintiff.

§ 403. Summons; method and place of service.

Service of summons shall be made in the manner prescribed in supreme court practice, including the optional method of service by mail authorized by CPLR 312-a, but it shall be made only within the county; provided, however, that where the cause of action arises from the failure to make payment on goods and/or services to a person who is lawfully engaged in the business of providing such goods and/or services, and at the time such goods and/or services were received by

the alleged debtor, such parties named in the summons were residents of the same county, the alleged debtor named therein as a defendant may also be served in any adjoining county.

§ 406. Summons; service by publication authorized.

If service cannot be made by another method with due diligence, the court, upon motion without notice, shall order service of a summons by publication in any action where a chattel of the person to be served has been seized in an action to recover a chattel. Practice and procedure on service by publication shall be governed by the CPLR, except insofar as this act otherwise provides.

§ 409. Summons; filing; proof of service.

(a) A copy of the summons and complaint with proof of service shall be filed with the clerk within six days after service.

(b) If service has been made by the court's enforcement officer, his certificate shall be the equivalent of an affidavit of service.

§ 410. Summons; when service complete.

The service of the summons is complete:

(a) immediately upon personal delivery to the defendant, where § 402(a) is applicable; or

(b) upon the filing of proof of service, where § 402(b) is applicable.

§ 411. Summons or notice of petition; filing nunc pro tunc.

Where a summons in an action, or a petition or notice of petition in a special proceeding, has not been filed within the time prescribed by law, the court may order the filing thereof nunc pro tunc. In such instance the court may in its discretion extend the responding time of the other party.

ARTICLE 5

APPEARANCE BY CORPORATIONS

Section 501. Appearance by corporations.

§ 501. Appearance by corporations.

A corporation may appear as a party in any action brought pursuant to this act except as otherwise provided in section eighteen hundred nine thereof by an attorney as well as by any authorized officer, director or employee of the corporation provided that the appearance by a non-lawyer on behalf of a corporation shall be deemed to constitute the requisite authority to bind the corporation in a settlement or trial. The court or arbitrator may make reasonable inquiry to determine the authority of any person who appears for the corporation in a case.

ARTICLE 7

MANDATES

Section 701. Direction and execution of mandates.

§ 701. Direction and execution of mandates.

(a) In an action or proceeding brought in the court, all civil processes and mandates, except as otherwise provided in this act, may be served or executed only within the county. They shall be executed by the court's enforcement officer within such area as is within his territorial jurisdiction as elsewhere provided by law. Where this act empowers the court's process or mandate to be served or executed without the county, or where it is to be served or executed within the county but at such place therein as is beyond the territorial jurisdiction of the court's enforcement officer, the process or mandate shall be served or executed by such officer as could serve or execute the process or mandate of the supreme court of the county in a like instance.

(b) The provisions of law applicable in supreme court practice,

relating to the execution of mandates by a sheriff and the power and control of the court over the sheriff executing the same, shall apply to this court's enforcement officers.

(c) In any instance where a return by the enforcement officer is required by law to be made to the court or the clerk thereof, such provision shall be deemed to refer to this court, or the clerk of this court, as the case may be.

(d) Nothing herein contained shall be construed to prevent the service of a summons, petition, notice of petition, subpoena or other paper by any person who might serve the same in a like instance in the supreme court.

ARTICLE 8

PROVISIONAL REMEDIES

Section 801. Provisional remedies; procedure.

§ 801. Provisional remedies; procedure.

Practice and procedure for the requisition to seize a chattel, when requisition is allowed by § 209 of this act, shall be governed, insofar as consistent with this act, by the CPLR, subject to the following:

(a) The chattel may be seized only within the county.

(b) When a return is required, the return shall be made to the clerk of this court.

ARTICLE 9

PLEADINGS

Section 901. Pleadings; in general.

902. Pleadings; form.

903. Pleadings; requirements of formal pleading inapplicable to indorsement pleading.

905. Pleadings; defenses.

907. Pleadings; subsequent pleading containing cause of action.

908. Pleadings; verification.

909. Pleadings; amended and supplemental.

910. Simplified procedure for court determination of disputes;
action without pleadings.

§ 901. Pleadings; in general.

Pleadings between plaintiff and defendant shall consist of complaint and answer and, when ordered, a reply. Such order may be made by motion on notice or by the court of its own motion.

§ 902. Pleadings; form.

(a) All pleadings shall be formal pleadings, as in supreme court practice, except that:

1. If the plaintiff's cause of action is for money only, the complaint may be set forth by indorsement upon the summons. The indorsement shall consist of a statement of the nature and substance of the cause of action, and the summons in such instance shall set forth the amount in which the plaintiff will take judgment in the event of default. Unless the rules of the court provide otherwise, the clerk shall make such indorsement for a plaintiff appearing without attorney.

2. Where the plaintiff's cause of action is for money only and the defendant appears without attorney, he may, unless the rules provide otherwise, describe his answer to the clerk, who shall indorse the substance of the answer on, or annex it to, the summons.

(b) If a formal complaint must be or is used, it shall be served with the summons, except that if service is made by publication the CPLR shall govern.

(c) The address of the defendant, and that of his attorney if he shall appear by attorney, shall be stated with or in the answer.

(d) The rules may provide, in actions for money only in designated categories in which the plaintiff might otherwise proceed by indorsement as above provided, that a formal complaint, or a formal answer, or both, shall be required.

(e) The court in any case may, at any time before judgment, on its own motion or on the motion on notice of a party, direct the service and filing of a formal pleading.

§ 903. Pleadings; requirements of formal pleading inapplicable to indorsement pleading.

The requirements of this act or of the CPLR applicable to a formal pleading shall not be applicable to an indorsement pleading.

§ 905. Pleadings; defenses.

The court may consider any defense to a cause of action or claim asserted by any party, whether such defense be denominated or deemed legal or equitable in nature.

§ 907. Pleadings; subsequent pleading containing cause of action.

(a) Counterclaim. The plaintiff may reply to a counterclaim but shall not be required to do so except by court order. If the plaintiff elects voluntarily to reply, he shall do so within ten days after service of the answer containing the counterclaim. In the absence of a reply the allegations of the counterclaim shall be deemed denied by the plaintiff. An answer containing a counterclaim against the plaintiff and another person shall be replied to by such other person, as required by CPLR § 3019(d), within the time provided in § 402 of this act, based upon the time and method of service.

(b) Cross-claim. A cross-claim shall be answered within ten days after the answer containing it is served.

(c) Third-party claim. A third-party complaint shall be answered within the time provided in § 402 of this act, based upon the time and method of service.

§ 908. Pleadings; verification.

Verification of pleadings shall be governed by the CPLR, except that if a pleading be not formal it need not be verified. The court in such instance may require a formal pleading as provided in subdivision (e) of § 902, and order its verification.

§ 909. Pleadings; amended and supplemental.

(a) A party may amend his pleading once without leave of court at any time before the period for responding to it expires, or within ten days after its service or the service of a pleading responding to it. An amended pleading which requires a responsive pleading shall be responded to within ten days after it is served, or within ten days after the expiration of the period during which the original pleading could have been responded to, whichever is later.

(b) Except as provided in subdivision (a), the CPLR shall govern amended and supplemental pleadings in this court.

§ 910. Simplified procedure for court determination of disputes; action without pleadings.

The simplified procedure for court determination of disputes set forth in CPLR §§ 3031, 3035 and 3037, and rules 3032 and 3036, shall apply in this court insofar as they may be applicable and the relief demanded is within the jurisdiction of this court.

ARTICLE 10

MOTIONS

Section 1001. Motion practice.

1002. Motion to dismiss.

1003. Motion to correct pleadings.

1004. CPLR § 3213 applicable; return time varied.

§ 1001. Motion practice.

Motion practice in the court, including time provisions for the making and decision of motions, practice relating to show cause orders, and practice relating to motions before, during and after trial, shall be governed by the CPLR, except as this act otherwise provides. Nothing contained in this article shall be construed to prevent the court, if the parties consent, from entertaining any matter, which might be raised by formal motion, without a formal motion or at a time prior to the time when the formal motion would be heard.

§ 1002. Motion to dismiss.

(a) CPLR rule 3211, relating to a motion to dismiss, shall apply in this court, except that, with reference to subdivision (e) of said rule, a party's time to move to dismiss a cause of action contained in a pleading to which no response is required shall be within ten days after the service of such pleading. A motion based on paragraphs two, seven or ten of subdivision (a) of said rule may, as provided in its subdivision (e), be made at any time.

(b) An objection based upon § 213(a) of this act, relative to residence or business within the municipality, shall be treated, for purposes of this section and CPLR rule 3211, as if it were an objection under CPLR rule 3211(a)(8), relative to the court's jurisdiction of the person of the defendant.

§ 1003. Motion to correct pleadings.

Rule 3024 of the CPLR shall apply to motions to correct formal pleadings in this court, except that the notice of motion shall be served within the time allowed for responding to the challenged pleading or, in the case of a pleading requiring no response, within ten days after the service of such pleading.

§ 1004. CPLR § 3213 applicable; return time varied.

CPLR § 3213, relating to a motion for summary judgment in lieu of complaint, shall be applicable in this court, except that the minimum period for return of the motion shall be as provided by § 402 of this act for answering a summons, based upon the time and method of service. The summons served with such motion papers shall instruct the defendant to answer as provided in the accompanying notice of motion. If the plaintiff adds days to the period for return provided herein, he may require the defendant to serve a copy of his answering papers upon plaintiff an equal number of days prior to such return day.

ARTICLE 11

DISCLOSURE

Section 1101. Disclosure.

1102. Implied admissions.

§ 1101. Disclosure.

(a) CPLR applicable. The procedures set forth in the CPLR relative to disclosure, bill of particulars and the procuring of a copy of the items of an account, shall govern in this court, subject to paragraph (b).

(b) Parties and non-parties. All notices, orders, subpoenas and other papers relating to disclosure may be served in any part of the county and shall be served by such means as would be permissible in the supreme court in a like instance.

(c) Protective order. The protective order provided for in CPLR § 3103 shall be available in this court with regard to all of the foregoing, and shall not be limited to the disclosure devices provided in article 31 of the CPLR.

(d) Extra-territorial disclosure. In any case where disclosure would be available in the supreme court in a like case, but is unavailable in this court by virtue of any territorial limitation upon its jurisdiction, the court may, upon motion on notice to all adverse parties, make an order to obtain disclosure from a source without the municipality, county or state by the use of any device to which the supreme court might resort to obtain disclosure from a source without the state.

§ 1102. Implied admissions.

The following provisions governing matters deemed admitted and the imposition of additional costs for unreasonable denials shall be applicable in this court.

(a) Ownership, operation or control of:

1. Vehicle. In an action for negligence arising from the ownership, operation or control of a vehicle required to be registered or licensed, where the pleading containing the cause of action states the registration or license number of such vehicle, the pleader need not prove upon the trial the ownership, operation or control of such vehicle by the other party and the same shall be deemed admitted, unless specifically denied in the responsive pleading.

2. Streetcar or bus. In an action for negligence arising from the ownership, operation or control of any streetcar or omnibus in the state of New York, where the pleading containing the cause of action states the avenue or street upon which the said streetcar or omnibus was operated, the place where the accident occurred, and the number of the streetcar or omnibus or the name or number of any of the employees operating said streetcar or omnibus at the time in question, the pleader need not prove upon the trial the ownership, operation or control of the particular streetcar or omnibus by the other party and the same shall be deemed admitted, unless specifically denied in the responsive pleading.

3. Building. In an action for negligence arising from the ownership, operation or control of any building, dwelling or tenement house, where the pleading containing the cause of action states the full address of the building, dwelling or tenement house and the date when the acts complained of took place, the pleader need not prove upon the trial the ownership, operation or control of such building, dwelling or tenement house by the other party and the same shall be deemed admitted, unless specifically denied in the responsive pleading.

(b) Signature. A signature to a written instrument which is pleaded

shall be deemed genuine unless the other party, in his responsive pleading, specifically denies its genuineness and makes demand that it be proved.

(c) Corporate existence. In an action by or against a corporation organized or authorized to do business pursuant to the laws of the state of New York, the existence of such corporation shall be deemed admitted unless specifically denied in the responsive pleading.

(d) In the event of the unreasonable or unjustifiable denial of any of the matters contained in subdivisions (a), (b), or (c), and the satisfactory proof thereof, upon trial, by the party who pleaded them, the court may allow such party, if he prevails in the action, additional costs not to exceed twenty-five dollars for each such denial.

ARTICLE 12

SUBPOENAS

Section 1201. Subpoenas.

§ 1201. Subpoenas.

A subpoena and a subpoena duces tecum, and the powers of the court with reference to them, shall be governed by the CPLR, except that they shall be served only within the county. If such subpoena is for purposes of the trial itself, the court, upon motion of a party which need not be on notice, may issue either kind of subpoena and permit its service in any part of any adjoining county if satisfied that the interests of justice would be served thereby.

ARTICLE 13

TRIAL

Section 1301. Setting date for trial.

1302. Adjournment of trial.

1303. Jury trials; how obtained; jury fee.

1304. Time for rendering judgment or decision.

1305. Number of jurymen.

1306. Jury terms.

1307. Jurors; challenges.

§ 1301. Setting date for trial.

(a) If the defendant appears before the clerk to answer in person, the court at that time shall set a date for trial not less than ten nor more than thirty days thereafter, and shall immediately give notice by mail of such trial date to all other parties.

(b) In any other instance, any party may, after joinder of issue, move the court to set a date for trial, which date shall not be less than ten nor more than thirty days after the return of such motion.

(c) If the court and the parties agree to a trial date, the trial may be set for such stipulated date notwithstanding the foregoing procedures and limitations.

§ 1302. Adjournment of trial.

The trial of an action may be adjourned:

(a) By the court for good cause shown and upon such terms and conditions as the court may deem just.

(b) By stipulation of the parties with the approval of the court, such stipulation to be filed with the clerk; or upon request of the plaintiff where the defendant has made default; or, if the court approve, upon consent of the parties in open court.

§ 1303. Jury trials; how obtained; jury fee.

(a) If the defendant appears before the clerk to answer in person, he shall demand a jury trial, if desired, at that time. If he does not do so, any other party may demand trial by jury by mailing such a demand to the clerk and all other parties within three days after receiving notice of the trial date as set forth in § 1301(a).

(b) If a motion is made to have a trial date set, as provided in § 1301(b), the movant shall include demand for trial by jury, if desired, in his notice of motion. If he omits to do so, any other party desiring

trial by jury shall demand it in papers opposing the motion.

(c) If the trial date is set by agreement pursuant to § 1301(c), the trial shall be without jury unless the stipulation provides otherwise.

(d) The party demanding trial by jury shall pay the fee therefor upon making the demand. If trial by jury is stipulated to, the stipulation shall provide for payment of the jury fee, and in the absence of providing therefor, it shall be paid by the plaintiff.

(e) Unless a jury is demanded or stipulated to, and the jury fee paid as provided in section nineteen hundred eleven of this act, trial by jury is waived.

(f) The court may relieve a party from the effect of failing to comply with this section if no undue prejudice to the rights of another party would result.

§ 1304. Time for rendering judgment or decision.

If a jury trial is not demanded or directed as provided in § 1303, the court must render judgment within thirty days from the time when the case is submitted for that purpose, except when further time is given by the consent of the parties.

§ 1305. Number of jurymen.

A jury shall be composed of six persons.

§ 1306. Jury terms.

Jury terms shall be held as may from time to time be directed by statute, rule or order. The system for impaneling jurors shall be as provided by law in the particular county or municipality or, if such is not provided for, as may be provided for the supreme court of the county. Jurors may be impaneled in village courts from the list of jurors used in the town court of the town in which the village is situated. In the case of a village situated in more than one town,

jurors may be impaneled from a list which combines the names of all jurors used in the town courts in each of the towns in which the village is situated. The fees of jurors shall be as provided by article sixteen of the judiciary law.

§ 1307. Jurors; challenges.

Challenges to jurors shall be as provided in the CPLR.

ARTICLE 14

JUDGMENT

Section 1401. Judgments; in general.

1402. Default judgment.

1403. Confession of judgment.

§ 1401. Judgments; in general.

Within the limits of its jurisdiction as defined in this act, the court shall have power to render any judgment that the supreme court might render in a like case. The form of the judgment shall be as provided in the rules. The judgment in an action may be prepared by the attorney for any party to the action, except that if a party does not appear by attorney the judgment shall be prepared by the clerk upon request of such party.

§ 1402. Default judgment.

A judgment by default may be entered as provided in CPLR § 3215. A summons stating the amount for which the plaintiff will take judgment if the defendant fails to appear and answer, and containing a statement of the nature and substance of the cause of action, or a summons accompanied by a formal complaint, shall be deemed "the summons and the complaint" referred to in subdivision (e) of said section.

§ 1403. Confession of judgment.

The provisions of CPLR § 3218, relating to judgment by confession, shall be applicable in this court where the relief for which the judgment is confessed is within the jurisdiction of this court, provided, with reference to paragraph one of subdivision (a) of said section, that the affidavit specify that the defendant is a resident of the municipality or, if he is not such a resident, that entry is authorized in this court. If such additional requirements are fulfilled, the words "clerk of the county" as used in subdivision (b) of said section shall be deemed a reference to the clerk of this court, and the judgment confessed shall be entered in this court and shall be enforceable in the same manner and with the same effect as a judgment in an action in this court.

ARTICLE 15

EXECUTION

Section 1501. Execution; when and how issued.

1502. Transcript of judgment.

1503. Execution against enforcement officer.

1504. Execution issued out of this court; requisites.

1505. Execution to be levied against real property.

1507. Limitation on execution against property of tenant.

§ 1501. Execution; when and how issued.

An execution, including an income execution, upon a judgment may be issued by the judgment creditor's attorney or, if he does not appear by attorney, by the clerk. It shall be issued within the time prescribed by law applicable in the supreme court.

A "judgment", as used in this article, shall be deemed to include an order directing the payment of money.

§ 1502. Transcript of judgment.

(a) Upon application of a judgment-creditor the clerk must deliver to him a transcript of the judgment. If the judgment is for other than money only, the clerk shall insert in the transcript a brief statement of the nature of the action and the relief awarded by the judgment; such statement may be inserted under "remarks" as contained in the form set forth in § 255-c of the judiciary law.

(b) The docketing of the judgment with the clerk of the county, and thereafter with other county clerks, shall be governed by the CPLR.

§ 1503. Execution against enforcement officer.

(a) Execution on a judgment against an enforcement officer other than a sheriff shall issue only to the sheriff after transcript filed with the county clerk and must be made returnable to said clerk.

(b) Execution on a judgment against a sheriff shall issue to such person as the same would issue to in supreme court practice on a like judgment, and it shall issue only after transcript filed with the county clerk and must be made returnable to said clerk.

§ 1504. Execution issued out of this court; requisites.

An execution issued out of this court may be levied only against personal property of the judgment-debtor. It must be subscribed by either the clerk or the attorney for the judgment-creditor and must bear, in addition to such other matter as is required by the CPLR, the date of its delivery. It may be levied in any part of the county, and for such purpose it is not necessary that the judgment have been docketed with the county clerk.

§ 1505. Execution to be levied against real property.

An execution out of this court may not be levied against real

property. In order for an execution on a judgment of this court to be levied against real property, a transcript of such judgment must be filed with the county clerk of the county pursuant to § 1502 of this act. After such transcribing, CPLR § 5018(a) shall be applicable and the judgment enforceable accordingly. This shall not be construed to prevent the issuance of an execution out of this court, pursuant and subject to § 1504 of this act, after such transcribing.

§ 1507. Limitation on execution against property of tenant.

No levy shall be made on the personal property of a tenant dispossessed for non-payment of rent under any execution within twenty-four hours of the time of dispossession, if the real property of which the tenant is being dispossessed was his residence.

ARTICLE 17

APPEALS

Section 1701. Appeals; to what court.

1702. Appeals; judgments and orders appealable.

1703. Appeals; practice and procedure in general.

1704. Settlement of case and return on appeal.

1705. Printing; record and briefs.

1706. Appeals from appellate court.

§ 1701. Appeals; to what court.

Appeals in civil causes shall be taken to the county court, unless an appellate term of the supreme court has been established by the appellate division of the department and such appellate division has directed that such appeals be taken to such term, in which case the appeal shall be taken to the appellate term.

§ 1702. Appeals; judgments and orders appealable.

(a) Appeals as of right. An appeal may be taken as of right:

1. from any final or interlocutory judgment except one entered subsequent to an order of an appellate court which disposes of all the issues in the action; or

2. from an order not specified in subdivision (b), where the motion it decided was made upon notice and it:

(i) grants, refuses, continues or modifies a provisional remedy; or

(ii) settles, grants or refuses an application to resettle a transcript or statement on appeal; or

(iii) grants or refuses a new trial; except where specific questions of fact arising upon the issues in an action triable by the court have been tried by a jury, pursuant to an order for that purpose, and the order grants or refuses a new trial upon the merits; or

(iv) involves some part of the merits; or

(v) affects a substantial right; or

(vi) in effect determines the action and prevents a judgment from which an appeal might be taken; or

(vii) determines a statutory provision of the state to be unconstitutional, and the determination appears from the reasons given for the decision or is necessarily implied in the decision; or

3. from an order, where the motion it decided was made upon notice, refusing to vacate or modify a prior order, if the prior order would have been appealable as of right under paragraph two had it decided a motion made upon notice.

(b) Orders not appealable as of right. An order is not appealable as of right where it:

1. requires or refuses to require a more definite statement in a pleading; or

2. orders or refuses to order that scandalous or pre-judicial matter be stricken from a pleading.

(c) Appeals by permission. An appeal may be taken from any order which is not appealable as of right by permission of the justice who made the

order granted before application to a judge or justice of the appellate court; or by permission of a judge or justice of the appellate court upon refusal by the justice who made the order or upon direct application.

(d) On any appeal taken hereunder the appellate court shall have full power to review any exercise of discretion by the court or justice below.

§ 1703. Appeals; practice and procedure in general.

(a) Practice and procedure on appeals shall be as provided in article 55 of the CPLR except insofar as this act or the rules of this court consistent with this act otherwise provide.

(b) An appeal as of right from a judgment entered in a small claim or a commercial claim must be taken within thirty days of the following, whichever first occurs:

1. service by the court of a copy of the judgment appealed from upon the appellant.

2. service by a party of a copy of the judgment appealed from upon the appellant.

3. service by the appellant of a copy of the judgment appealed from upon a party.

Where service as provided in paragraphs one through three of this subdivision is by mail, five days shall be added to the thirty day period prescribed in this section.

§ 1704. Settlement of case and return on appeal.

(a) 1. When an appeal has been taken, the stenographer's original transcript of minutes, if such minutes were taken, must be furnished to the clerk within ten days after the fees therefor have been paid. If testimony was given but stenographic minutes were not taken, the clerk shall prepare minutes of the proceedings within thirty days after the filing of the notice of appeal, such minutes to consist of a statement

sufficiently descriptive of the testimony to make possible appellate review. Immediately upon receipt or preparation of the minutes, the clerk shall cause notice of that fact to be sent to the attorney for the appellant, or to the appellant if he or she has not appeared by attorney. If the clerk has prepared the minutes, he or she also shall cause copies thereof to be served upon the attorneys for the appellant and the respondent, or upon the appellant and the respondent if they do not appear by attorney.

2. (i) If minutes were taken by a stenographer, within fifteen days of receipt of a copy of the stenographic transcript of the minutes, the appellant or the appellant's attorney shall make any proposed amendments and cause them to be served, together with a copy of the transcript, on the attorney for the respondent, or on the respondent if he or she has not appeared by attorney. Within fifteen days after receipt of such service, the respondent or the respondent's attorney shall make any objections to the amendments proposed by the appellant and make such further proposed amendments to the transcript as are deemed necessary, and cause them to be served on the attorney for the appellant, or on the appellant if he or she has not appeared by attorney.

(ii) If the clerk prepared the minutes, within fifteen days after the date of receipt of a copy of such minutes, the attorneys for the appellant and the respondent, or the appellant and the respondent if they have not appeared by attorney, shall forward to the court any proposed amendments to the minutes.

3. The appellant or his or her attorney shall then procure the case to be settled on a written notice of at least four days to the clerk and to the attorney for the respondent or to the respondent if he or she has not appeared by attorney, returnable before the justice who tried the case. The clerk shall thereupon prepare a return, which shall contain the summons or notice of petition, pleadings, evidence, judgment or order, notice of appeal, opinion of the court, if any, and all other papers necessary for appellate review of the judgment or order appealed from. Within five days after the return day of the notice to settle the case, the justice shall settle the same and indorse his or her settlement on the return. In lieu of the justice settling the case and

indorsing his or her settlement on the return, the parties may stipulate that the transcript (or the minutes prepared by the clerk, if appropriate) together with the proposed amendments, if any, and all other elements of the return are correct. The clerk shall thereupon cause the return to be filed with the clerk of the appellate court.

(b) Where no testimony was taken, the return shall be filed with the clerk of the appellate court within ten days after the filing of the notice of appeal. Such return shall consist of the same papers and proceedings specified in subdivision (a), except for the minutes therein described. The authenticity of such papers shall be certified by the clerk.

(c) Upon an appeal from an order granting or denying a motion for a new trial upon the ground of fraud or newly discovered evidence, the minutes of the trial, as described in subdivision (a), shall be included in the return and the provisions of that subdivision shall apply to such an appeal.

§ 1705. Printing; record and briefs.

The printing of neither the record nor the briefs shall be required.

§ 1706. Appeals from appellate court.

Appeals from the judgment or order of an appellate court, on appeal from this court, shall be governed by the CPLR.

ARTICLE 18

SMALL CLAIMS

Section 1801. Small claims defined.

1802. Parts for the determination of small claims established.

1803. Commencement of action upon small claims.

1804. Informal and simplified procedure on small claims.

1805. Remedies available; transfer of small claims.

1806. Trial by jury; how obtained; discretionary costs.

- 1807. Review.
- 1808. Judgment obtained to be res judicata in certain cases.
- 1809. Procedures relating to corporations, associations, insurers and assignees.
- 1810. Limitation on right to resort to small claims procedures.
- 1811. Notice of small claims judgments and indexing of unpaid claims.
- 1812. Enforcement of small claims judgments.
- 1813. Duty to pay judgments.
- 1814. Designation of defendant; amendment procedure.
- 1815. Appearance by non-attorney representatives.

§ 1801. Small claims defined.

The term "small claim" or "small claims" as used in this act shall mean and include any cause of action for money only not in excess of three thousand dollars exclusive of interest and costs, provided that the defendant either resides, or has an office for the transaction of business or a regular employment within the municipality where the court is located, or where claimant is or was a tenant or lessee of real property owned by the defendant and the claim relates to such tenancy or lease, and such real property is situated within the municipality where the court is located. However, where a judge of the county court, pursuant to subdivision (g) of section three hundred twenty-five of the civil practice law and rules, transfers a small claim from the town or village court having jurisdiction over the matter to another town or village court within the same county, the court to which it is transferred shall have jurisdiction to determine the claim.

§ 1802. Parts for the determination of small claims established.

The chief administrator shall assign the times and places for holding, and the judges who shall hold, one or more parts of the court for the hearing of small claims as herein defined, and the rules may regulate the practice and procedure controlling the determination of such claims

and prescribe and furnish the forms for instituting the same. There shall be at least one evening session of each part every month for the hearing of small claims, provided however, that the chief administrator may provide for exemption from this requirement where there exists no demonstrated need for evening sessions. Such practice, procedure and forms shall differ from the practice, procedure and forms used in the court for other than small claims, notwithstanding any provision of law to the contrary. They shall constitute a simple, informal and inexpensive procedure for the prompt determination of such claims in accordance with the rules and principles of substantive law. The procedure established pursuant to this article shall not be exclusive of but shall be alternative to this procedure now or hereafter established with respect to actions commenced in the court by the service of a summons. No rule to be enacted pursuant to this article shall dispense with or interfere with the taking of stenographic minutes of any hearing of any small claim hereunder.

§ 1803. Commencement of action upon small claims.

(a) Small claims shall be commenced upon the payment by the claimant of a filing fee of ten dollars for claims in the amount of one thousand dollars or less and fifteen dollars for claims in the amount of more than one thousand dollars, without the service of a summons and, except by special order of the court, without the service of any pleading other than a statement of his cause of action by the claimant or someone in his behalf to the clerk, who shall reduce the same to a concise, written form and record it in a filing system maintained especially for such purpose. Such procedure shall provide for the sending of notice of such claim by ordinary first class mail and certified mail with return receipt requested to the party complained against (1) at his residence, if he resides within the county and his residence is known to the claimant, (2) at his office or place of regular employment within the municipality if he does not reside within the county or his residence within the county is not known to the claimant, or (3) where claimant is or was a tenant or lessee of real property owned by the defendant and the claim relates to such tenancy or lease and the notice of claim cannot be sent under paragraph one or two of this subdivision, at any

place in the county or an adjoining county where claimant may mail or otherwise deliver rent. If, after the expiration of twenty-one days, such ordinary first class mailing has not been returned as undeliverable, the party complained against shall be presumed to have received notice of such claim. Such notice shall include a clear description of the procedure for filing a counterclaim, pursuant to subdivision (c) of this section.

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

(b) The clerk shall furnish every claimant, upon commencement of the action, with information written in clear and coherent language which shall be prescribed and furnished by the office of court administration, concerning the small claims court. Such information shall include, but not be limited to, an explanation of the following terms and procedures; adjournments, counterclaims, jury trial requests, subpoenas, arbitration, collection methods and fees, the responsibility of the judgment creditor to collect data on the judgment debtor's assets, the ability of the court prior to entering judgment to order examination of or disclosure by, the defendant and restrain him, the utilization of section eighteen hundred twelve of this article concerning treble damage awards and information subpoenas including, but not limited to, specific questions to be used on information subpoenas, and the claimant's right to notify the appropriate state or local licensing or certifying authority of an unsatisfied judgment if it arises out of the carrying on, conducting or transaction of a licensed or certified business or if such business appears to be engaged in fraudulent or illegal acts or otherwise demonstrates fraud or illegality in the carrying on, conducting or transaction of its business. The information shall be available in English. Large signs in English shall be posted in conspicuous locations in each small claims court clerk's office, advising the public of its availability.

(c) A defendant who wishes to file a counterclaim shall do so by filing with the clerk a statement containing such counterclaim within

five days of receiving the notice of claim. At the time of such filing the defendant shall pay to the clerk a filing fee of three dollars plus the cost of mailings which are required pursuant to this subdivision. The clerk shall forthwith send notice of the counterclaim by ordinary first class mail to the claimant. If the defendant fails to file the counterclaim in accordance with the provisions of this subdivision, the defendant retains the right to file the counterclaim, however the claimant may, but shall not be required to, request and obtain adjournment of the hearing to a later date. The claimant may reply to the counterclaim but shall not be required to do so.

§ 1804. Informal and simplified procedure on small claims.

The court shall conduct hearings upon small claims in such manner as to do substantial justice between the parties according to the rules of substantive law and shall not be bound by statutory provisions or rules of practice, procedure, pleading or evidence, except statutory provisions relating to privileged communications and personal transactions or communications with a decedent or person with a mental illness. An itemized bill or invoice, receipted or marked paid, or two itemized estimates for services or repairs, are admissible in evidence and are prima facie evidence of the reasonable value and necessity of such services and repairs. Disclosure shall be unavailable in small claims procedure except upon order of the court on showing of proper circumstances. In every small claims action, where the claim arises out of the conduct of the defendant's business at the hearing on the matter, the judge or arbitrator shall determine the appropriate state or local licensing or certifying authority and any business or professional association of which the defendant is a member. The provisions of this act and the rules of this court, together with the statutes and rules governing supreme court practice, shall apply to claims brought under this article so far as the same can be made applicable and are not in conflict with the provisions of this article; in case of conflict, the provisions of this article shall control.

§ 1805. Remedies available; transfer of small claims.

(a) Upon determination of a small claim, the court shall direct judgment in accordance with its findings, and, when necessary to do substantial justice between the parties, may condition the entry of judgment upon such terms as the court shall deem proper. Pursuant to section fifty-two hundred twenty-nine of the civil practice law and rules, prior to entering a judgment, the court may order the examination of or disclosure by, the defendant and restrain him to the same extent as if a restraining notice had been served upon him after judgment was entered.

(b) The court shall have power to transfer any small claim or claims to any other part of the court upon such terms as the rules may provide, and proceed to hear the same according to the usual practice and procedure applicable to other parts of the court.

(c) No counterclaim shall be permitted in a small claims action, unless the court would have had monetary jurisdiction over the counterclaim if it had been filed as a small claim. Any other claim sought to be maintained against the claimant may be filed in any court of competent jurisdiction.

(d) If the defendant appears to be engaged in repeated fraudulent or illegal acts or otherwise demonstrates persistent fraud or illegality in the carrying on, conducting or transaction of business, the court shall either advise the attorney general in relation to his authority under subdivision twelve of section sixty-three of the executive law, or shall advise the claimant to do same, but shall retain jurisdiction over the small claim.

(e) If the defendant appears to be engaged in fraudulent or illegal acts or otherwise demonstrates fraud or illegality in the carrying on, conducting or transaction of a licensed or certified business, the court shall either advise the appropriate state or local licensing or certifying authority or shall advise the claimant to do same, but shall retain jurisdiction over the small claim.

§ 1806. Trial by jury; how obtained; discretionary costs.

A person commencing an action upon a small claim under this article

shall be deemed to have waived a trial by jury, but if said action shall be removed to a regular part of the court, the plaintiff shall have the same right to demand a trial by jury as if such action had originally been begun in such part. Any party to such action, other than the plaintiff, prior to the day upon which he is notified to appear or answer, may file with the court a demand for a trial by jury and his affidavit that there are issues of fact in the action requiring such a trial, specifying the same and stating that such trial is desired and intended in good faith. Such demand and affidavit shall be accompanied with the jury fee required by law and an undertaking in the sum of fifty dollars in such form as may be approved by the rules, payable to the other parts or parties, conditioned upon the payment of any costs which may be entered against him in the said action or any appeal within thirty days after the entry thereof; or, in lieu of said undertaking, the sum of fifty dollars may be deposited with the clerk of the court and thereupon the clerk shall forthwith transmit such original papers or duly attested copies thereof as may be provided by the rules to the part of the court to which the action shall have been transferred and assigned and such part may require pleadings in such action as though it had been begun by the service of a summons. Such action may be considered a preferred cause of action. In any small claim which may have been transferred to another part of the court, the court may award costs up to twenty-five dollars to the plaintiff if he prevails.

§ 1807. Review.

A person commencing an action upon a small claim under this article shall be deemed to have waived all right to appeal, except that either party may appeal on the sole grounds that substantial justice has not been done between the parties according to the rules and principles of substantive law.

§ 1808. Judgment obtained to be res judicata in certain cases.

A judgment obtained under this article shall not be deemed an

adjudication of any fact at issue or found therein in any other action or court; except that a subsequent judgment obtained in another action or court involving the same fact, issues and parties shall be reduced by the amount of a judgment awarded under this article.

§ 1809. Procedures relating to corporations, associations, insurers and assignees.

1. No corporation, except a municipal corporation, public benefit corporation, school district or school district public library wholly or partially within the municipal corporate limit, no partnership, or association and no assignee of any small claim shall institute an action or proceeding under this article, nor shall this article apply to any claim or cause of action brought by an insurer in its own name or in the name of its insured whether before or after payment to the insured on the policy.

2. A corporation may appear in the defense of any small claim action brought pursuant to this article by an attorney as well as by any authorized officer, director or employee of the corporation provided that the appearance by a non-lawyer on behalf of a corporation shall be deemed to constitute the requisite authority to bind the corporation in a settlement or trial. The court or arbitrator may make reasonable inquiry to determine the authority of any person who appears for the corporation in defense of a small claims court case.

§ 1810. Limitation on right to resort to small claims procedures.

If the clerk shall find that the procedures of the small claims part are sought to be utilized by a claimant for purposes of oppression or harassment, as where a claimant has previously resorted to such procedures on the same claim and has been unsuccessful after the hearing thereon, the clerk may in his discretion compel the claimant to make application to the court for leave to prosecute the claim in the small claims part. The court upon such application may inquire into the

circumstances and, if it shall find that the claim has already been adjudicated, or that the claim is sought to be brought on solely for purposes of oppression or harassment and not under color of right, it may make an order denying the claimant the use of the small claims part to prosecute the claim.

§ 1811. Notice of small claims judgments and indexing of unpaid claims.

(a) Notice of judgment sent to judgment debtor shall specify that a failure to satisfy a judgment may subject the debtor to any one or combination of the following actions:

1. garnishment of wage;
2. garnishment of bank account;
3. a lien on personal property;
4. seizure and sale of real property;
5. seizure and sale of personal property, including automobiles;
6. suspension of motor vehicle license and registration, if claim is based on defendant's ownership or operation of a motor vehicle;
7. revocation, suspension, or denial of renewal of any applicable business license or permit;
8. investigation and prosecution by the attorney general for fraudulent or illegal business practices; and
9. a penalty equal to three times the amount of the unsatisfied judgment plus attorney's fees, if there are other unpaid claims.

(b) Notice of judgment sent to judgment creditor shall contain but not be limited to the following information:

1. the claimant's right to payment within thirty days following the

debtor's receipt of the judgment notice;

2. the procedures for use of section eighteen hundred twelve of this article concerning the identification of assets of the judgment debtor including the use of information subpoenas, access to consumer credit reports and the role of sheriffs and marshals, and actions to collect three times the judgment award and attorney's fees if there are two other unsatisfied claims against the debtor;

3. the claimant's right to initiate actions to recover the unpaid judgment through the sale of the debtor's real property, or personal property;

4. the claimant's right to initiate actions to recover the unpaid judgment through suspension of debtor's motor vehicle license and registration, if claim is based on defendant's ownership or operation of a motor vehicle;

5. the claimant's right to notify the appropriate state or local licensing or certifying authority of an unsatisfied judgment as a basis for possible revocation, suspension, or denial of renewal of business license; and

6. a statement that upon satisfying the judgment, the judgment debtor shall present appropriate proof thereof to the court; and

7. the claimant's right to notify the attorney general if the debtor is a business and appears to be engaged in fraudulent or illegal business practices.

(c) Notice of judgment sent to each party shall include the following statement: "An appeal from this judgment must be taken no later than the earliest of the following dates: (i) thirty days after receipt in court of a copy of the judgment by the appealing party, (ii) thirty days after personal delivery of a copy of the judgment by another party to the action to the appealing party (or by the appealing party to another party), or (iii) thirty-five days after the mailing of a copy of the judgment to the appealing party by the clerk of the court or by another

party to the action."

(d) All wholly or partially unsatisfied small claims court judgments shall be indexed alphabetically and chronologically under the name of the judgment debtor. Upon satisfying the judgment, the judgment debtor shall present appropriate proof to the court and the court shall indicate such in the record.

§ 1812. Enforcement of small claims judgments.

(a) The special procedures set forth in subdivision (b) hereof shall be available only where:

1. there is a recorded judgment of a small claims court; and

2. (i) the aforesaid judgment resulted from a transaction in the course of the trade or business of the judgment debtor, or arose out of a repeated course of dealing or conduct of the judgment debtor, and (ii) there are at least two other unsatisfied recorded judgments of a small claims court arising out of such trade or business or repeated course of dealing or conduct, against that judgment debtor; and

3. the judgment debtor failed to satisfy such judgment within a period of thirty days after receipt of notice of such judgment. Such notice shall be given in the same manner as provided for the service of a summons or by certified mail, return receipt requested, and shall contain a statement that such judgment exists, that at least two other unsatisfied recorded judgments exist, and that failure to pay such judgment may be the basis for an action, for treble the amount of such unsatisfied judgment, pursuant to this section.

(b) Where each of the elements of subdivision (a) of this section are present the judgment creditor shall be entitled to commence an action against said judgment debtor for treble the amount of such unsatisfied judgment, together with reasonable counsel fees, and the costs and disbursements of such action, provided, however, that in any such action it shall be a defense that the judgment debtor did not have resources to satisfy such judgment within a period of thirty days after receipt of notice of such judgment. The failure to pay a judgment obtained in an

action pursuant to this section shall not be the basis for another such action pursuant to this section.

(c) Where the judgment is obtained in an action pursuant to subdivision (b), and arises from a business of the defendant, the court shall, in addition to its responsibilities under this article, advise the attorney general in relation to his authority under subdivision twelve of section sixty-three of the executive law, and if such judgment arises from a certified or licensed business of the defendant, advise the state or local licensing or certifying authority.

(d) Where a judgment has been entered in a small claims court and remains unsatisfied, the small claims clerk shall, upon request, issue information subpoenas, at nominal cost, for the judgment creditor and provide the creditor with assistance on their preparation and use. The court shall have the same power as the supreme court to punish a contempt of court committed with respect to an information subpoena.

§ 1813. Duty to pay judgments.

(a) Any person, partnership, firm or corporation which is sued in a small claims court for any cause of action arising out of its business activities, shall pay any judgment rendered against it in its true name or in any name in which it conducts business. "True name" includes the legal name of a natural person and the name under which a partnership, firm or corporation is licensed, registered, incorporated or otherwise authorized to do business. "Conducting business" as used in this section shall include, but not be limited to, maintaining signs at business premises or on business vehicles; advertising; entering into contracts; and printing or using sales slips, checks, invoices or receipts. Whenever a judgment has been rendered against a person, partnership, firm or corporation in other than its true name and the judgment has remained unpaid for thirty-five days after receipt by the judgment debtor of notice of its entry, the aggrieved judgment creditor shall be entitled to commence an action in small claims court against such judgment debtor, notwithstanding the jurisdictional limit of the court, for the sum of the original judgment, costs, reasonable attorney's fees, and one hundred dollars.

(b) Whenever a judgment which relates to activities for which a

license is required has been rendered against a business which is licensed by a state or local licensing authority and which remains unpaid for thirty-five days after receipt by the judgment debtor of notice of its entry and the judgment has not been stayed or appealed, the state or local licensing authority shall consider such failure to pay, if deliberate or part of a pattern of similar conduct indicating recklessness, as a basis for the revocation, suspension, conditioning or refusal to grant or renew such license. Nothing herein shall be construed to preempt an authority's existing policy if it is more restrictive.

(c) The clerk shall attach to the notice of suit required under this article a notice of the duty imposed by this section.

§ 1814. Designation of defendant; amendment procedure.

(a) A party who is ignorant, in whole or in part, of the true name of a person, partnership, firm or corporation which may properly be made a party defendant, may proceed against such defendant in any name used by the person, partnership, firm or corporation in conducting business, as defined in subdivision (a) of section eighteen hundred thirteen of this article.

(b) If the true name of the defendant becomes known at any time prior to the hearing on the merits, such information shall be brought to the attention of the clerk, who shall immediately amend all prior proceedings and papers. The clerk shall send an amended notice to the defendant, without payment of additional fees by the plaintiff, and all subsequent proceedings and papers shall be amended accordingly.

(c) In every action in the small claims part, at the hearing on the merits, the judge or arbitrator shall determine the defendant's true name. The clerk shall amend all prior proceedings and papers to conform to such determination, and all subsequent proceedings and papers shall be amended accordingly.

(d) A party against whom a judgment has been entered pursuant to this article, in any proceeding under section five thousand fifteen of the civil practice law and rules for relief from such judgment, shall, disclose its true name; any and all names in which it is conducting business; and any and all names in which it was conducting business at

the time of the transaction or occurrence on which such judgment is based. All subsequent proceedings and papers shall be amended to conform to such disclosure.

§ 1815. Appearance by non-attorney representatives.

The court may permit, upon the request of a party, that a non-attorney representative, who is related by consanguinity or affinity to such party, be allowed to appear on behalf of such party when the court finds that due to the age, mental or physical capacity or other disability of such party that it is in the interests of justice to permit such representation. No person acting as a non-attorney representative shall be permitted to charge a fee or be allowed to accept any form of remuneration for such services.

ARTICLE 19
COSTS AND FEES

- Section 1900. Security for costs.
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1902. Allowance of costs.
1903. Costs; additional provisions.
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1909. Review of taxation.
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1911. Fees.
1912. Actions in which no fees to be charged; employees.
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§ 1900. Security for costs.

Article 85 of the CPLR, entitled "security for costs," shall apply in this court, except that the minimum undertaking of CPLR 8503 shall be \$50 rather than the amount therein provided.

§ 1901. Costs; amount.

Costs upon issue joined and after trial shall be calculated as follows:

(a) for money only: for one hundred dollars or under, five dollars; for every additional one hundred dollars or fractional part thereof, five dollars.

(b) for the recovery of a chattel: the amounts provided by subdivision (a), based upon the value of the chattel as determined by the judgment or claimed by the adverse party, as the case may be.

§ 1902. Allowance of costs.

Upon issue joined and after trial, the prevailing party shall be allowed costs as follows, if he has appeared by attorney.

(a) Where no counterclaims have been interposed and the final judgment is for money only, cost shall be based upon the judgment.

(b) Where no counterclaims have been interposed and the final judgment for plaintiff awards relief falling within both of the subdivisions of § 1901 of this act, plaintiff's costs shall be governed by the subdivision under which his costs would be greatest.

(c) Where no counterclaims have been interposed, and plaintiff's complaint is dismissed, defendant's costs shall be those plaintiff would have recovered if plaintiff were awarded judgment as prayed for in his pleading.

(d) If one or more counterclaims have been interposed, each party who recovers judgment shall be credited with the costs applicable to either of the following, whichever is greater:

1. the costs applicable to the judgment he recovered, as if he recovered it as plaintiff; or

2. the costs applicable to the relief demanded by his adversary's pleading, as if all of such relief were granted to his adversary as plaintiff.

If only one party is credited with costs, he shall be allowed such costs. If both parties are credited with costs, the credit of each shall be set off against the other and the difference shall be allowed as costs to the party in favor of whom the difference exists.

(e) If one or more counterclaims have been interposed, and both the plaintiff's complaint and the counterclaims are dismissed, each party shall be credited with the costs applicable to his adversary's pleading; the credit of each shall then be set off against the other and the difference awarded as costs to the party in favor of whom the difference exists. Neither party in such case shall be entitled to disbursements.

(f) Causes of action pleaded in the alternative shall be treated as one cause of action in determining costs. If the pleader recover judgment for any such relief, costs thereon shall be based upon the relief awarded. If the case is one in which his adversary is entitled to a credit for costs based upon the pleading which seeks relief in the alternative, such credit shall be calculated upon that relief demanded in such pleading on which costs would be greatest.

§ 1903. Costs; additional provisions.

(a) Where the plaintiff recovers judgment either upon the defendant's failure to answer or upon the defendant's answer and subsequent default at the trial, costs allowed to plaintiff shall be at the full amount prescribed in the foregoing sections of this article.

(b) Where judgment is recovered upon motion before trial, costs shall be allowed in one-half of the amounts prescribed in the foregoing sections of this article, except that no costs shall be awarded upon granting partial judgment where the court shall find that the other party, before the action was commenced, unconditionally tendered the part found to be due.

(c) Where a party recovers judgment upon motion against a person for damages for his disobedience to a court order or subpoena or for a statutory penalty for the same, costs shall be allowed in one-half of the amounts prescribed in the foregoing sections of this article.

(d) Plaintiff shall be allowed as costs for each necessary defendant served with the summons by a person other than an enforcement officer, one dollar and fifty cents, and for each necessary tenant served with the notice of petition by a person other than an enforcement officer, one dollar and fifty cents, and if there is a default in appearance by the defendant or tenant, the sum of one dollar and fifty cents for securing the affidavit that the defendant or tenant is not in military service, required by the statutes of the United States.

(e) Upon settlement after service of summons and before trial, plaintiff shall be entitled to costs in one-half of the amount prescribed in the foregoing sections of this article, determined by the settlement.

(f) Upon settlement during or after trial and before entry of judgment, plaintiff shall be entitled to costs in the amount prescribed in the foregoing sections of this article, determined by the settlement.

(g) Where the defendant discontinues his counterclaim before trial, plaintiff shall be entitled to costs in one-half of the amount prescribed in the foregoing sections of this article, and where the defendant discontinues his counterclaim during trial plaintiff shall be entitled to costs in the amount prescribed in said sections.

(h) Where the defendant recovers judgment on the plaintiff's failure to appear, or upon a dismissal of the complaint for want of prosecution, costs to be awarded to the defendant shall be at the full amount prescribed in the foregoing sections of this article.

(i) Where no provision for costs is otherwise made, the court, in its discretion, may award to a party a sum not exceeding ten dollars.

(j) Where judgment is entered pursuant to the filing of a confession of judgment, costs shall be allowed to the successful party in one-half of the amount prescribed in the foregoing sections of this article.

(k) When two or more plaintiffs join in one complaint, the plaintiffs jointly shall be entitled to recover only one bill of costs against the defendant in the amount prescribed in the foregoing sections of this article, said bill of costs to be equal to that of the plaintiff whose

bill of cost would be greatest; where the defendant is successful in such action, a single bill of costs shall be awarded to him against all co-plaintiffs jointly, in the amounts prescribed in the foregoing sections of this article, based upon the relief prayed for by that plaintiff whose bill of costs, if he recovered such relief, would be greatest.

(l) Where, in an action against two or more defendants, the plaintiff is entitled to costs against one or more, but not against all of them, none of the defendants is entitled to costs, of course. In such a case, costs may be awarded in the discretion of the court to any defendant against whom the plaintiff is not entitled to costs, where he did not unite in an answer, and was not united in interest, with a defendant against whom the plaintiff is entitled to costs.

(m) Costs in a summary proceeding to recover possession of real property shall consist of the sums specified in subdivision (d) of this section plus, as a disbursement, if paid, the fee provided for issuance of a notice of petition by subparagraph j of paragraph one of subdivision (a) of section nineteen hundred eleven of this article. Such costs shall be exclusive in such proceeding and shall constitute the sum to be awarded as costs by the judgment pursuant to section seven hundred forty-seven of the real property actions and proceedings law, except insofar as additional costs may be imposed pursuant to subdivision three of said section.

§ 1904. Limitation on costs; certain costs added.

(a) Limitation on costs. Except as provided in subdivision (b), the costs provided for in this act shall in no event exceed \$50.

(b) Certain costs added. Costs on appeal, and those awarded under § 1102 of this act, may be added to the amount of costs otherwise applicable in the action.

§ 1905. No costs on plea of bankruptcy.

Where the defendant recovers judgment upon the defense of bankruptcy, he shall not be entitled to costs.

§ 1906. Costs allowed by court.

The court may in its discretion impose costs not exceeding five dollars in the following cases:

- (a) Upon granting or denying a motion.
- (b) Upon allowing an amendment of a pleading.
- (c) Upon adjournment of a trial.

§ 1907. Taxation of costs and disbursements.

Costs, together with fees paid to the clerk and the fee for issuing execution to the enforcement officer, must be taxed by the clerk forthwith upon rendition of judgment and inserted therein. Upon issuing a transcript the clerk shall include therein the prospective fees of the county clerk and sheriff. Other taxable disbursements shall be taxed by the clerk on two days' notice to be given by the party entitled thereto to the adverse party. The clerk shall also tax costs allowed by an appellate court and shall enter all items of costs and disbursements in the docket book. All disbursements taxable on notice must be verified by affidavit. The clerk must examine all items presented to him for taxation and, before allowing any disbursements, must be satisfied that the items were necessarily incurred or that the services for which they are charged were necessarily performed.

§ 1908. Disbursements allowable.

Except where the contrary is specifically provided by law, a party to whom costs are awarded, or a prevailing party who has appeared in person, shall be allowed his necessary disbursements as follows:

- (a) All fees paid to the clerk or to an enforcement officer, including jury fees, and the reasonable expense of serving process where service is made by other than an enforcement officer.
- (b) The legal fees of witnesses.

(c) The legal fees paid for a certified copy of a deposition or other paper recorded or filed in any public office, necessarily used or obtained for use on the trial.

(d) The reasonable compensation of commissioners for taking depositions.

(e) Prospective charges for filing a transcript with the county clerk and the sheriff's fees for receiving and returning an execution.

(f) Such other reasonable and necessary expenses as are taxable pursuant to the provisions of CPLR § 8301.

§ 1908-a. Disbursement where service of process by mail is not acknowledged.

In any action where service of process is made by mail pursuant to CPLR 312-a, and where the signed acknowledgement of receipt is not returned within thirty (30) days after receipt of the documents mailed pursuant to that section, the reasonable expense of serving process by an alternative method shall be taxed by the court as a disbursement, payable to the party serving process, if that party is awarded costs in the action or proceeding.

§ 1909. Review of taxation.

Within ten days the taxation may be reviewed by the court upon two days' notice. The order must disallow any items wrongfully included in the judgment or add any items wrongfully omitted therefrom, and direct that any sum so disallowed be credited upon any execution or other mandate issued to enforce the judgment. Unless a motion for review of the taxation is made, the taxation cannot be questioned on appeal.

§ 1910. Costs upon appeal.

(a) Costs upon an appeal may be awarded by the appellate court in its discretion, and if awarded shall be as follows:

1. To the appellant upon reversal, not more than thirty dollars.
 2. To the respondent upon affirmance, not more than twenty-five dollars.
 3. To either party upon modification, not more than twenty-five dollars.
- (b) Costs upon appeal from the judgment or order of the appellate court shall be as provided in the CPLR.

§ 1911. Fees.

- (a) Fees payable to the clerk. 1. There shall be paid to the clerk the following sums as court fees in civil matters:
- a. Upon the filing of the first paper in any action or proceeding, twenty dollars.
 - b. For issuing a requisition of seizure, twenty dollars.
 - c. Upon filing an infant's compromise, where no paper was previously filed, twenty dollars.
 - d. For entry of judgment upon confession, twenty dollars.
 - e. On filing notice of appeal, five dollars.
 - f. For issuing a satisfaction of judgment, or a certificate regarding the judgment, two dollars.
 - g. Upon demand for a trial by jury, ten dollars; to be paid by the party demanding the jury at the time of the demand.
 - h. For exemplification of a copy of a paper on file in the clerk's office not exceeding three pages, four dollars, and for each page in excess of three, one dollar.

i. For certifying a copy of a paper on file in the clerk's office, except a return on appeal, where such paper does not exceed three pages, two dollars, and for each page in excess of three, one dollar.

j. For issuing a notice of petition, or an order to show cause in lieu thereof, in a summary proceeding to recover possession of real property, twenty dollars.

2. All fees shall be prepaid before the service shall be performed.

3. a. No clerk of any town court shall collect or charge any fee imposed pursuant to paragraph one of this subdivision from the town in which such court has jurisdiction, nor from any village located therein or from any officer or agency of such town or village.

b. No clerk of any village court shall collect or charge any fee imposed pursuant to paragraph one of this subdivision from the village in which such court has jurisdiction, or from any officer or agency of such village.

(b) Fees of enforcement officer. There shall be paid to the enforcement officer by the party requiring his services, the same fees to which a sheriff would be entitled for like services in supreme court.

(c) Stenographer's fees. A stenographer provided by the municipality shall be entitled to such fees as the municipality prescribes, not to exceed those prescribed by the CPLR.

§ 1912. Actions in which no fees to be charged; employees.

Employee's action. When the action is brought by an employee against an employer for services performed by such employee, the clerk shall not demand or receive any fees whatsoever from the plaintiff or his attorney, if the plaintiff shall present proof by his own affidavit that his demand does not exceed three hundred dollars exclusive of interest and costs; that he is a resident of or an employee in the county; that he has a good and meritorious cause of action against the defendant and the nature thereof; and that he has made either a written or a personal

demand upon the defendant or his agent for payment thereof and payment was refused; provided that if the plaintiff shall demand a trial by jury, he must pay the fees therefor.

§ 1913. Witnesses' fees.

Witnesses in an action or a special proceeding or before a commissioner or justice of this court taking a deposition, are entitled to the same fees, including mileage, as a witness in an action in the supreme court.

ARTICLE 20

CRIMINAL JURISDICTION AND PROCEDURE

- Section 2001. Criminal jurisdiction; procedure.
2005. Further powers of judges; process and mandates.
2012. Drawing of jurors.
2013. Jury trial; submission to jury.
2014. Jurors' fees.
2015. Correction of technical errors.
2019. Records.
2019-a. Justices' criminal records and docket.
2020. Disposition of fines and penalties.
2021. Payment of fines, disposition thereof and related matters.
2021*2. Stenographer in criminal proceedings.

§ 2001. Criminal jurisdiction; procedure.

(1) The court shall have such jurisdiction of criminal matters as is prescribed by the criminal procedure law.

(2) Unless otherwise specifically prescribed, the practice and procedure in the court shall be governed by the criminal procedure law.

§ 2005. Further powers of judges; process and mandates.

The court shall have the power and jurisdiction to send processes and other mandates in any matter of which it has jurisdiction into any part of the county or any adjoining county, for service or execution, as provided by the criminal procedure law; and particularly to compel the attendance of witnesses, to order the conditional examination of witnesses within or without the state, to inquire into the sanity of a defendant and to dismiss the prosecution of an action conformably to the provisions of the criminal procedure law, and to punish for criminal contempt a person guilty thereof in the manner and subject to the limitations prescribed for courts of record by the judiciary law.

§ 2012. Drawing of jurors.

Jurors may be drawn and summoned in the manner provided by the rules. Jurors may be impaneled in village courts from the list of jurors used in the town court of the town in which the village is situated. In the case of a village situated in more than one town, jurors may be impaneled from a list which combines the names of all jurors used in the town courts in each of the towns in which the village is situated. Jurors drawn for civil actions may also be used in the trial of criminal cases.

§ 2013. Jury trial; submission to jury.

Whenever a case is submitted to the jury, the jury shall be placed in charge of any peace officer, acting pursuant to his special duties, or police officer designated by the court.

§ 2014. Jurors' fees.

The fees of jurors attending as such shall be as provided by article sixteen of the judiciary law.

§ 2015. Correction of technical errors.

Technical errors in the commitment of any accused person may be corrected by the court at any time after the commitment is signed. The court may alter or modify a sentence or correct any technical error in the record not affecting the substantial rights of the defendant at any time before the execution of the sentence has been commenced.

§ 2019. Records.

All justices of courts governed by this act shall keep or cause to be kept legible and suitable records and dockets of all criminal actions and proceedings. The rules may govern the manner, form, care, custody and disposition of such records.

§ 2019-a. Justices' criminal records and docket.

The records and dockets of the court except as otherwise provided by law shall be at reasonable times open for inspection to the public and shall be and remain the property of the village or town of the residence of such justice, and at the expiration of the term of office of such justice shall be forthwith filed by him in the office of the clerk of such village or town, provided, however, that if such records and dockets are transferred pursuant to section twenty hundred twenty-one of the uniform district court act, the responsibility for such records and dockets by the city, village or town shall cease and they shall be the property of the district court to which they are transferred. The record of every criminal action shall state the names of the witnesses sworn and their places of residence, and if in a city, the street and house number; and every proceeding had before him. It shall be the duty of every such justice, at least once a year and upon the last audit day of such village or town, to present his records and docket to the auditing board of said village or town, which board shall examine the said records and docket, or cause same to be examined and a report thereon

submitted to the board by a certified public accountant, or a public accountant and enter in the minutes of its proceedings the fact that they have been duly examined, and that the fines therein collected have been turned over to the proper officials of the village or town as required by law. Any such justice who shall willfully fail to make and enter in such records and docket forthwith, the entries by this section required to be made or to exhibit such records and docket when reasonably required, or present his records and docket to the auditing board as herein required, shall be guilty of a misdemeanor and shall, upon conviction, in addition to the punishment provided by law for a misdemeanor, forfeit his office.

§ 2020. Disposition of fines and penalties.

All fines and penalties collected by the court shall be paid over to the persons or agencies entitled to the same pursuant to law.

*** § 2021. Payment of fines, disposition thereof and related matters.**

1. A fine imposed and paid before commitment, must be received by the court, and unless otherwise provided by law, shall be the property of the town in which the offense was committed if the fine was imposed by a town court. If, however, the fine was imposed by a village court for an offense committed in a village, then, unless otherwise provided by law, the fine shall be the property of the village in which the offense was committed. All such fines shall be paid to the state comptroller by the court on or before the tenth day of the month next succeeding their collection. Notwithstanding the foregoing provisions of this subdivision, all fines imposed for the violation of a village local law, ordinance or regulation, unless otherwise provided by law, shall be the property of such village, whether or not the village has established the office of village justice.

2. If the defendant is committed in default of the payment of a fine, he may pay it, and any surcharge and/or crime victim assistance fee, to

the sheriff or superintendent or municipal official of the facility to whom the defendant was committed who shall, within thirty days after the receipt thereof, unless otherwise provided by law, pay the same to the justice of the court that rendered the conviction.

* NB There are 2 § 2021's

*** § 2021. Stenographer in criminal proceedings.**

Whenever a contested criminal proceeding is prosecuted in a justice court, the justice may employ a stenographer to take the testimony on such trial. The municipal board shall fix the rate of compensation to be paid to such stenographer for such services rendered. Such compensation shall be a municipal charge, and shall be audited and paid upon certification by the court specifying the number of folios furnished.

* NB There are 2 § 2021's

ARTICLE 21

GENERAL

Section 2101. Definitions.

2102. Civil practice; general provisions; CPLR applicable.

2103. Rules of court.

2103-a. Use of electronic filing authorized.

2104. References in other laws.

§ 2101. Definitions.

The following words or phrases used in this act shall have the meaning defined in this section, unless otherwise apparent from the context:

(a) "Administrative board" means the administrative board of the judicial conference of the state.

(b) "Administrative judge" means the judicial officer designated, by the appellate division of the department in which the court is located, to be administrator of the particular court.

(c) "Appellate division" means the appellate division of the supreme

court in and for the department in which the particular court is located, or its designated administrative judge.

(d) "City" means the city in and for which is established the particular court, which court is established in and for a city and is governed by this act, to which this act is being applied.

(e) "City justice" means the justice or justices of the particular court, established in and for a city and governed by this act, to which court this act is being applied.

(f) "Clerk" means the clerk of the particular court to which this act is being applied, or the non-judicial person performing the functions of such office; if the particular court has no such clerk or non-judicial person, it means the justice of such court.

(g) "County" means the county in which is located, in whole or in part, the municipality in and for which the particular court to which this act is being applied is located.

(h) "County clerk" means the clerk of the county defined above.

(i) "Court" embraces each and every court or office to which this act is applicable pursuant to § 2300 and, for purposes of the application of this act to each such court, it shall be taken as a reference to either:

1. the town court of the particular town; or

2. the village court of the particular village, and if there is no court established in and for the particular village it means the town court, if any, of the town in which the village is located in whole or in part; or

3. the court established in and for the particular city, if such court is governed by this act; as the case may be.

(j) "Court established in and for a city" means a court established in and for a city, which court is governed by this act pursuant to § 2300 of this act.

(k) "Enforcement officer" means any appropriate officer as enumerated in § 110 of this act.

(l) "Justice" embraces every justice of every court to which this act applies, and it shall be taken as a reference to the justice of the particular court to which this act is being applied.

(m) "Municipal board" means the local governing body of the town, village or city in and for which the particular court to which this act is being applied is established.

(n) "Municipality" means, as applied to:

1. a town court, the town in and for which it is established and it includes a village located in whole or in part within the town with respect to civil causes of action arising within such village or if there is no court established in and for such village;

2. a village court, the village in and for which it is established; and

3. a court established in and for a city, which court is governed by this act, the city in and for which it is established.

(o) "Rules" means the rules adopted pursuant to § 2103 of this act.

(p) "Town" means the town in and for which is established the particular town court to which this act is being applied. It does not include any village which is in whole or in part within the town unless there is no village court established in and for such village, in which event it does include such village. It does not include any city.

(q) "Town court" means the particular court or office established in and for a town, which court or office is governed by this act pursuant to § 2300 of this act and to which this act is being applied.

(r) "Town justice" means the justice or justices of the particular town court to which this act is being applied.

(s) "Village" means the village in and for which is established the particular village court to which this act is being applied.

(t) "Village court" means the particular court or office established in and for a village, which court or office is governed by this act pursuant to § 2300 of this act and to which this act is being applied.

(u) "Village justice" means the justice or justices of the particular village court to which this act is being applied.

§ 2102. Civil practice; general provisions; CPLR applicable.

The CPLR and other provisions of law relating to practice and procedure in the supreme court, notwithstanding reference by name or classification therein to any other court, shall apply in this court as far as the same can be made applicable and are not in conflict with this act.

§ 2103. Rules of court.

The administrative board may adopt, amend and rescind rules for the courts governed by this act, not inconsistent with this act or with the CPLR. A copy of the rules shall be available at all times in the office of the clerk of each court governed by this act, and shall be published as directed by the administrative board.

§ 2103-a. Use of electronic filing authorized.

(a) Notwithstanding any other provision of law, the chief administrator of the courts may authorize a program in the use of electronic means in civil cases in a justice court as provided in article twenty-one-A of the civil practice law and rules, and in criminal cases as provided in section 10.40 of the criminal procedure law.

(b) For purposes of this section, "electronic means" shall have the same meaning as defined by subdivision (f) of rule twenty-one hundred three of the civil practice law and rules.

§ 2104. References in other laws.

A reference in any general or special statute, law, local law, ordinance, resolution, rule, regulation or order:

(a) to the justice court act or to any part thereof shall be deemed a reference to this act or to the appropriate part thereof if such substituted reference be consistent with this act.

(b) to a justice of the peace of a town shall be deemed a reference to the town court as used in this act or the justice of such town court.

(c) to a police justice of a village shall be deemed a reference to a village court as used in this act or the justice of such village court.

ARTICLE 22

TRANSITION

Section 2203. Cases carried over.

2204. Appeal involving pending action or proceeding; judgment or order of court.

§ 2203. Cases carried over.

All actions and proceedings pending in any court to which this act applies, at the time this act takes effect, shall remain in the court and shall be governed by the following subdivisions of this section.

(a) No such action or proceeding, or appeal taken therein, shall abate by virtue of the application of this act to the court.

(b) For the purpose of the disposition of such pending action or proceeding only, the jurisdiction of the court shall be deemed expanded to that of the court under provisions applicable prior to the effective date of this act whenever necessary to sustain the jurisdiction of the court over such action or proceeding if the court had jurisdiction of the same under such provisions.

(c) Except as provided for in the foregoing, practice and procedure in such actions and proceedings shall be as if the same were instituted after the effective date of this act. But if the court shall find that a practice or procedure available prior to the effective date of this act, but unavailable after such effective date, is necessary to the disposition of such action or proceeding, the court may permit recourse to or completion of the same.

§ 2204. Appeal involving pending action or proceeding; judgment or order of court.

(a) If on the effective date of this act there existed a right of appeal from a judgment or order entered before the effective date of

this act in any court to which this act applies, and the time in which to appeal as provided for in the practice obtaining in such court prior to the effective date hereof has not expired, such time shall continue to run as if this act did not take effect and an appeal may be taken within such time by the service of a notice of appeal upon the respondent or respondents and by the filing of the same with the clerk of this court.

(b) Such appeal shall be taken to the county court or, if an appellate term has been established in the department and the appellate division has directed that such appeal be taken to such term, it shall be so taken. Further appeal from either of such courts shall be governed by the same provisions as would govern judgments or orders entered in this court after the effective date of this act.

(c) If the judgment or order is entered by this court after the effective date of this act, it shall be treated, for purposes of appeal, as if the action or proceeding were commenced in this court after such effective date, except as provided in subdivision (d).

(d) If in any action or proceeding decided prior to the effective date of this act, a party had a right of direct appeal from the court to the court of appeals, such appeal may be taken directly to the court of appeals during the time such party would have had under the practice obtaining in the court prior to the effective date hereof; and if the judgment or order in such case is entered after the effective date of this act, the time in which to take such direct appeal shall be governed by the practice obtaining in the court as if such court entered the judgment or order prior to the effective date hereof. The notice of appeal, if not filed as of the effective date of this act, shall be served on the respondent or respondents and shall be filed with the clerk of this court.

(e) For all purposes except appeal, a judgment or order entered by the court before the effective date hereof shall be treated as if the action or proceeding in which the same was entered was commenced in this court and the judgment or order entered herein after such effective date.

ARTICLE 23

APPLICATION

Section 2300. Application of this act.

2301. Effective date.

§ 2300. Application of this act.

(a) Reference to UJCA. All references to the "uniform justice court act" or to the "UJCA" in any law of the state shall be deemed a reference to this act or to the appropriate portions thereof.

(b) Courts to which applicable.

1. Town and village courts. This act shall apply to:

(i) every court in the state which is established in and for a town, whether denominated "justice court", "justice's court", "justice of the peace", "town court", "office of justice of the peace", or any other combination of words denoting the office or court commonly known as that of justice of the peace of a town; and

(ii) every court in the state which is established in and for a village, whether denominated "village court", "village justice", "police justice", "police court", "village police justice", "village justice of the peace", "office of village police justice", or any other combination of words denoting the office or court commonly known as that of village police justice, except as provided by subdivision (d) (2) regarding areas of a district court.

2. City courts. The applicability of this act to courts established in and for cities outside the city of New York, regardless of the name or designation of such courts, shall be as provided in the following subparagraphs.

(i) Civil jurisdiction. If the court has civil jurisdiction, but in its exercise is governed by the UCCA pursuant to either paragraph one or three of UCCA § 2300(c), no part of this act shall apply to such court. If the court exercised civil jurisdiction immediately prior to the effective date of this act and in the exercise thereof the court was and is not governed by the UCCA pursuant to either paragraph one or three of UCCA § 2300(c), this act, with the exception of article 20 and such other provisions hereof as are concerned with the criminal practice and procedure, shall apply to the court. In such instance, the basic

monetary jurisdiction of the court, for purposes of article two of this act, shall be as elsewhere provided by law for such court; and if the law providing for the monetary jurisdiction of such court states no monetary figure, but adopts by reference such figure as is supplied by a different law, the reference shall be disregarded and the monetary jurisdiction of such court, for purposes of article two of this act, shall be \$500.

(ii) Criminal jurisdiction. Article 20 of this act, and such other portions hereof as are concerned exclusively with criminal jurisdiction, practice or procedure, shall not apply to any court established in and for a city.

(c) Matters not governed by this act. The following, with regard to each court to which this act is applicable as above provided, shall not be governed by this act but shall be governed by such other provisions of law as may be applicable to each such court:

1. All matters regarding justices of a court to which this act applies such as are set forth with regard to justices of the supreme court in subdivision (b) of section twenty of article six of the constitution; and all matters regarding the selection, tenure and compensation of justices, unless this act makes express provision therefor.

2. Matters regarding expenses of the court and matters regarding the duties of justices and employees of the court to account for and pay over fines, penalties, fees and any other monies received by them.

3. Matters regarding the selection, tenure and compensation of non-judicial employees, including enforcement officers.

(d) 1. No court established or abolished. This act is not intended either to establish or to abolish any court in the state.

2. Village courts in district court areas. Notwithstanding subdivision (b) (1) (ii) of this section, a village court situated within a district of any district court shall not have the civil jurisdiction conferred in article two of this act, and its criminal jurisdiction shall be limited to that provided for in the act creating, or regulating the administration of, such district court.

(e) Preparation for UJCA. The appellate division of each department in which are located courts to which this act applies in whole or in part is empowered as of the time this act is approved by the governor to take all needful measures to the end that such courts to which this act applies be ready for operation hereunder on the effective date of this act. In addition to the powers otherwise conferred by law, any municipality in which is located a court to which this act applies shall have the power to appropriate and spend money in the manner provided by law for the cost of transition under this act.

(f) Acts repealed. Chapter nine hundred thirty-seven of the laws of nineteen hundred twenty, constituting the justice court act, and all acts amendatory thereof, are hereby REPEALED.

§ 2301. Effective date.

This act shall take effect September first, nineteen hundred sixty-seven, except that subdivision (e) of § 2300 shall take effect immediately.