|  |
| --- |
| **STATE OF NEW YORK** |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7363--A

Cal. No. 295

2021-2022 Regular Sessions

|  |  |
| --- | --- |
|  | **IN ASSEMBLY** |

May 6, 2021

\_\_\_\_\_\_\_\_\_\_\_

Introduced by M. of A. GOTTFRIED, DINOWITZ, STECK, FAHY, McDONALD,

REYES, HEVESI, BRAUNSTEIN, L. ROSENTHAL, MAMDANI, SEAWRIGHT, SIMON,

WOERNER, CRUZ, BURGOS, GALEF, GONZALEZ-ROJAS, EPSTEIN, SOLAGES,

BICHOTTE HERMELYN, O'DONNELL, MITAYNES, BURDICK, FORREST, OTIS,

COLTON, McDONOUGH, BENEDETTO, J. RIVERA, KELLES, GIBBS, KIM, FERNAN-

DEZ, RAMOS, ANDERSON, THIELE -- read once and referred to the Commit-

tee on Codes -- recommitted to the Committee on Codes in accordance

with Assembly Rule 3, sec. 2 -- reported from committee, advanced to a

third reading, amended and ordered reprinted, retaining its place on

the order of third reading

AN ACT to amend the civil practice law and rules, in relation to

protecting patients from certain penalties due to money judgments

arising from actions brought by hospitals or health care professionals

The People of the State of New York, represented in Senate and Assem-

bly, do enact as follows:

1 Section 1. Subdivision (b) of section 5201 of the civil practice law

2 and rules is amended to read as follows:

3 (b) Property against which a money judgment may be enforced. A money

4 judgment may be enforced against any property which could be assigned or

5 transferred, whether it consists of a present or future right or inter-

6 est and whether or not it is vested, unless it is exempt from applica-

7 tion to the satisfaction of the judgment. A money judgment entered upon

8 a joint liability of two or more persons may be enforced against indi-

9 vidual property of those persons summoned and joint property of such

10 persons with any other persons against whom the judgment is entered. No

11 property lien shall be entered or enforced against a debtor's primary

12 residence in an action arising from a medical debt and brought by a

13 hospital licensed under article twenty-eight of the public health law or

14 a health care professional authorized under title eight of the education

15 law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

[] is old law to be omitted.

LBD11180-03-2

A. 7363--A 2

1 § 2. Subdivision (b) of section 5231 of the civil practice law and

2 rules, as amended by chapter 575 of the laws of 2008, is amended to read

3 as follows:

4 (b) Issuance. Where a judgment debtor is receiving or will receive

5 money from any source, an income execution for installments therefrom of

6 not more than ten percent thereof may be issued and delivered to the

7 sheriff of the county in which the judgment debtor resides or, where the

8 judgment debtor is a non-resident, the county in which he is employed;

9 provided, however, that (i) no amount shall be withheld from the judg-

10 ment debtor's earnings pursuant to an income execution for any week

11 unless the disposable earnings of the judgment debtor for that week

12 exceed the greater of thirty times the federal minimum hourly wage

13 prescribed in the Fair Labor Standards Act of 1938 or thirty times the

14 state minimum hourly wage prescribed in section six hundred fifty-two of

15 the labor law as in effect at the time the earnings are payable; (ii)

16 the amount withheld from the judgment debtor's earnings pursuant to an

17 income execution for any week shall not exceed twenty-five percent of

18 the disposable earnings of the judgment debtor for that week, or, the

19 amount by which the disposable earnings of the judgment debtor for that

20 week exceed the greater of thirty times the federal minimum hourly wage

21 prescribed by the Fair Labor Standards Act of 1938 or thirty times the

22 state minimum hourly wage prescribed in section six hundred fifty-two of

23 the labor law as in effect at the time the earnings are payable, which-

24 ever is less; (iii) if the earnings of the judgment debtor are also

25 subject to deductions for alimony, support or maintenance for family

26 members or former spouses pursuant to section five thousand two hundred

27 forty-one or section five thousand two hundred forty-two of this arti-

28 cle, the amount withheld from the judgment debtor's earnings pursuant to

29 this section shall not exceed the amount by which twenty-five percent of

30 the disposable earnings of the judgment debtor for that week exceeds the

31 amount deducted from the judgment debtor's earnings in accordance with

32 section five thousand two hundred forty-one or section five thousand two

33 hundred forty-two of this article; and (iv) no amount shall be imposed

34 in judgments arising from a medical debt action brought by a hospital

35 licensed under article twenty-eight of the public health law or a health

36 care professional authorized under title eight of the education law.

37 Nothing in this section shall be construed to modify, abrogate, impair,

38 or affect any exemption from the satisfaction of a money judgment other-

39 wise granted by law.

40 § 3. This act shall take effect immediately.