

**3.33-a. Bill for Services or Repairs Not in Excess of \$2,000 (CPLR 4533-a)**

**An itemized bill or invoice, receipted or marked paid, for services or repairs of an amount not in excess of two thousand dollars is admissible in evidence and is prima facie evidence of the reasonable value and necessity of such services or repairs itemized therein in any civil action provided it bears a certification by the person, firm or corporation, or an authorized agent or employee thereof, rendering such services or making such repairs and charging for the same, and contains a verified statement that no part of the payment received therefor will be refunded to the debtor, and that the amounts itemized therein are the usual and customary rates charged for such services or repairs by the affiant or his employer;**

**and provided further that a true copy of such itemized bill or invoice together with a notice of intention to introduce such bill or invoice into evidence pursuant to this rule is served upon each party at least ten days before the trial. No more than one bill or invoice from the same person, firm or corporation to the same debtor shall be admissible in evidence under this rule in the same action.**

**Note**

Except for the heading, this rule restates verbatim CPLR 4533-a. It sets forth a hearsay exception and a certification procedure applicable in any civil action for the admissibility of an “itemized bill or invoice” not in excess of \$2,000 for services or repairs rendered.

The bill or invoice must be “marked paid” or a receipt showing payment attached. Although no more than one bill from the same person may be admitted under this statutory provision, there is no limit on the number of bills from different persons or entities that may be introduced in this manner.

The certification must be made by the person, firm, or corporation or an authorized agent or employee thereof, rendering such services or making such repairs and charging for them. It must also contain a verified statement that no part of the payment received therefor will be refunded to the debtor and that the amounts itemized therein are the usual and customary rates charged for such services or repairs by the affiant or affiant's employer. A copy of such itemized bill or invoice together with a notice of intention to introduce it into evidence pursuant to this rule must be served upon each party at least ten days before the trial. Compliance with the certification procedure makes it unnecessary to call a foundation witness to establish the admissibility of the bill.

Upon admission, the itemized bill is "prima facie evidence" of the reasonable value and necessity of the services rendered or repairs made. The legislative history shows that the itemized bill is not admissible as evidence that the services or repairs rendered were incurred as a result of another person's conduct. (Joseph M. McLaughlin, *The Admissibility of Professional and Repair Bills Under CPLR 4533-a*, reprinted in 15th Ann Rep of NY Jud Conf at 241.)