

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)

Civil Practice Law and Rules [\(Refs & Annos\)](#)

↖ [Chapter Eight](#). Of the Consolidated Laws

↖ [Article 9](#). Class Actions [\(Refs & Annos\)](#)

→ **§ 901. Prerequisites to a class action**

a. One or more members of a class may sue or be sued as representative parties on behalf of all if:

1. the class is so numerous that joinder of all members, whether otherwise required or permitted, is impracticable;
2. there are questions of law or fact common to the class which predominate over any questions affecting only individual members;
3. the claims or defenses of the representative parties are typical of the claims or defenses of the class;
4. the representative parties will fairly and adequately protect the interests of the class; and
5. a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

b. Unless a statute creating or imposing a penalty, or a minimum measure of recovery specifically authorizes the recovery thereof in a class action, an action to recover a penalty, or minimum measure of recovery created or imposed by statute may not be maintained as a class action.

CREDIT(S)

(Added L.1975, c. 207, § 1.)