

6702

I N S E N A T E

February 28, 2014

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the highway law, in relation to the liability of the state for damages suffered due to defects in state highways

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 58 of the highway law, as amended by chapter 1110
2 of the laws of 1971, is amended to read as follows:
3 S 58. Liability of state for damages. The state shall not be liable
4 for damages suffered by any person FROM REASONABLY ANTICIPATED DEFECTS
5 IN STATE HIGHWAYS, EXCEPT THE STATE SHALL BE LIABLE FOR DEFECTS FOR
6 WHICH IT HAS BEEN GIVEN ACTUAL OR CONSTRUCTIVE NOTICE from defects in
7 state highways, except between the first day of May and the fifteenth
8 day of November on such highways as are maintained by the state under
9 such system as the commissioner of transportation may adopt pursuant to
10 section twelve OF THIS CHAPTER, but the liability for such damages shall
11 otherwise remain as now provided by law, notwithstanding the
12 construction or improvement and maintenance of such highways by the
13 state under this chapter; but nothing herein contained shall be
14 construed to impose on the state any liability for defects in bridges
15 over which the state has no control. Within the limits of incorporated
16 villages the state shall maintain a width of pavement equal to the width
17 of pavement constructed or improved at the expense of the state, if a
18 state highway, the location of the state's portion of such roadway with-
19 in said incorporated limits to be determined by the center line of the
20 roadway as shown on the plans on file with the department of transporta-
21 tion and the state shall be liable for damages to persons or property
22 only when such damage shall occur as a result of the defective condition
23 of the portion of improved highway as above described.
24 S 2. This act shall take effect immediately.

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

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