

# STATE OF NEW YORK

9218

2025-2026 Regular Sessions

## IN ASSEMBLY

November 3, 2025

Introduced by M. of A. CUNNINGHAM -- read once and referred to the  
Committee on Transportation

AN ACT to amend the vehicle and traffic law and the civil practice law  
and rules, in relation to limiting damages that can be recovered in a  
tort claim by uninsured motorists, intoxicated drivers, and those  
convicted of a felony during which the accident occurred

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 389 to read as follows:

3 § 389. Limited recovery. 1. In an action for recovery following an  
4 accident, any plaintiff who was operating a vehicle which was not  
5 insured pursuant to the provisions of this chapter at the time of the  
6 accident shall not be granted any award or relief in excess of any  
7 compensatory damages derived from property damage, medical expenses, and  
8 lost wages as a direct result of such accident.

9 2. In an action for recovery following an accident, any plaintiff who  
10 was operating a vehicle while intoxicated at the time of the accident  
11 and convicted of such shall not be granted any award or relief in excess  
12 of any compensatory damages derived from property damage, medical  
13 expenses, and lost wages as a direct result of such accident.

14 3. In an action for recovery following an accident, any plaintiff who  
15 was operating a vehicle in the commission of a felony, or immediate  
16 flight therefrom, at the time of such accident and has been convicted of  
17 such felony shall not be granted any award or relief in excess of any  
18 compensatory damages derived from property damage, medical expenses, and  
19 lost wages as a direct result of such accident. The provisions of this  
20 subdivision shall not apply in an action for injury caused by police  
21 misconduct.

22 § 2. Section 1411 of the civil practice law and rules, as added by  
23 chapter 69 of the laws of 1975, is amended to read as follows:

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

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1 § 1411. Damages recoverable when contributory negligence or assumption  
2 of risk is established. [~~It~~] Except as provided in section three hundred  
3 eighty-nine of the vehicle and traffic law, in any action to recover  
4 damages for personal injury, injury to property, or wrongful death, the  
5 culpable conduct attributable to the claimant or to the decedent,  
6 including contributory negligence or assumption of risk, shall not bar  
7 recovery, but the amount of damages otherwise recoverable shall be  
8 diminished in the proportion which the culpable conduct attributable to  
9 the claimant or decedent bears to the culpable conduct which caused the  
10 damages.

11 § 3. This act shall take effect immediately.