S T A T E O F N E W Y O R K

4238

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

Introduced by M. of A. PHEFFER -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to exemption of the state and public corporations from liability for injury to property or personal injury, including death, of persons who use public beaches for fishing, surfboarding or scuba diving when lifeguards are not on duty

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

Section 1. Paragraph a of subdivision 1 of section 9-103 of the general obligations law, as separately amended by chapters 141 and 286 of the laws of 1984, is amended to read as follows:

a. an owner, lessee or occupant of premises, whether or not posted as provided in section 11-2111 of the environmental conservation law, owes no duty to keep the premises safe for entry or use by others for hunting, fishing, SURFBOARDING, SCUBA DIVING, organized gleaning as defined in section seventy-one-y of the agriculture and markets law, canoeing, boating, trapping, hiking, cross-country skiing, tobogganing, sledding, speleological activities, horseback riding, bicycle riding, hang gliding, motorized vehicle operation for recreational purposes, snowmobile operation, cutting or gathering of wood for non-commercial purposes or training of dogs, or to give warning of any hazardous condition or use of or structure or activity on such premises to persons entering for such purposes;

S 2. Section 9-103 of the general obligations law is amended by adding a new subdivision 1-a to read as follows:

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE IMMUNITY CONFERRED BY SUBDIVISION ONE OF THIS SECTION ON THE OWNERS, LESSEES OR OCCUPANTS OF PREMISES FROM LIABILITY FOR INJURY TO PROPERTY OR PERSONAL INJURY, INCLUDING DEATH, OF PERSONS WHO ENTER OR USE SUCH PREMISES FOR FISHING, SURFBOARDING OR SCUBA DIVING SHALL APPLY TO PUBLIC BEACHES OWNED OR OPERATED BY THE STATE OR A PUBLIC CORPORATION DURING THE HOURS WHEN LIFEGUARDS ARE NOT ON DUTY.

S 3. 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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