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

2074

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

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

AN ACT to amend the general obligations law, in relation to declaring agreements indemnifying or exempting manufacturers, sellers, and/or monitors of burglary protection systems from liability for negligence void and unenforceable

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

Section 1. The general obligations law is amended by adding a new section 5-326.1 to read as follows:

S 5-326.1. AGREEMENTS INDEMNIFYING OR EXEMPTING MANUFACTURERS, SELLERS, AND/OR MONITORS OF BURGLARY PROTECTION SYSTEMS FROM LIABILITY FOR NEGLIGENCE VOID AND UNENFORCEABLE. 1. EVERY COVENANT, AGREEMENT OR UNDERSTANDING IN OR IN CONNECTION WITH OR COLLATERAL TO ANY CONTRACT ENTERED INTO WITH THE MANUFACTURER, SELLER AND/OR MONITOR OF A BURGLARY PROTECTION SYSTEM RELATIVE TO THE SALE, INSTALLATION, MAINTENANCE AND/OR MONITORING OF A BURGLARY PROTECTION SYSTEM EXEMPTING FROM LIABILITY OR LIMITING THE LIABILITY OF SUCH MANUFACTURER, SELLER AND/OR MONITOR OR PURPORTING TO INDEMNIFY OR HOLD HARMLESS SUCH MANUFACTURER, SELLER AND/OR MONITOR AGAINST LIABILITY FOR DAMAGE ARISING OUT OF BODILY INJURY TO PERSONS OR DAMAGE TO PROPERTY CAUSED BY OR RESULTING FROM THE SOLE NEGLIGENCE OF SUCH MANUFACTURER, SELLER AND/OR MONITOR, HIS AGENTS OR EMPLOYEES, TO AN AMOUNT WHICH IS LESS THAN THE COST ASSOCIATED WITH THE INSTALLATION, SERVICE AND MAINTENANCE PROVIDED BY THE MANUFACTURER, SELLER AND/OR MONITOR IS AGAINST PUBLIC POLICY AND IS VOID AND UNENFORCEABLE.

2. FOR PURPOSES OF THIS SECTION, A "MONITOR" OF A BURGLARY PROTECTION SYSTEM IS ANY PERSON, FIRM, ORGANIZATION, CORPORATION, PARTNERSHIP, ASSOCIATION OR OTHER ENTITY WHICH, FOR COMPENSATION, RECEIVES SIGNALS FROM A BURGLARY PROTECTION SYSTEM AND TRANSMITS NOTIFICATION TO THE

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

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POLICE, OR OTHER AUTHORITIES AND/OR SUCH OTHER PERSONS AS ARE SET FORTH IN THE CONTRACT BETWEEN THE MONITOR AND THE CONSUMER.

S 2. This act shall take effect on the thirtieth day after it shall have become a law and the provisions of section 5-326.1 of the general obligations law, as added by section one of this act, shall apply only to contracts entered into on or after such date.