

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:

1 Section 1. The general obligations law is amended by adding a new
2 section 5-326.1 to read as follows:
3 S 5-326.1. AGREEMENTS INDEMNIFYING OR EXEMPTING MANUFACTURERS, SELL-
4 ERS, AND/OR MONITORS OF BURGLARY PROTECTION SYSTEMS FROM LIABILITY FOR
5 NEGLIGENCE VOID AND UNENFORCEABLE. 1. EVERY COVENANT, AGREEMENT OR
6 UNDERSTANDING IN OR IN CONNECTION WITH OR COLLATERAL TO ANY CONTRACT
7 ENTERED INTO WITH THE MANUFACTURER, SELLER AND/OR MONITOR OF A BURGLARY
8 PROTECTION SYSTEM RELATIVE TO THE SALE, INSTALLATION, MAINTENANCE AND/OR
9 MONITORING OF A BURGLARY PROTECTION SYSTEM EXEMPTING FROM LIABILITY OR
10 LIMITING THE LIABILITY OF SUCH MANUFACTURER, SELLER AND/OR MONITOR OR
11 PURPORTING TO INDEMNIFY OR HOLD HARMLESS SUCH MANUFACTURER, SELLER
12 AND/OR MONITOR AGAINST LIABILITY FOR DAMAGE ARISING OUT OF BODILY INJURY
13 TO PERSONS OR DAMAGE TO PROPERTY CAUSED BY OR RESULTING FROM THE SOLE
14 NEGLIGENCE OF SUCH MANUFACTURER, SELLER AND/OR MONITOR, HIS AGENTS OR
15 EMPLOYEES, TO AN AMOUNT WHICH IS LESS THAN THE COST ASSOCIATED WITH THE
16 INSTALLATION, SERVICE AND MAINTENANCE PROVIDED BY THE MANUFACTURER,
17 SELLER AND/OR MONITOR IS AGAINST PUBLIC POLICY AND IS VOID AND UNEN-
18 FORCEABLE.
19 2. FOR PURPOSES OF THIS SECTION, A "MONITOR" OF A BURGLARY PROTECTION
20 SYSTEM IS ANY PERSON, FIRM, ORGANIZATION, CORPORATION, PARTNERSHIP,
21 ASSOCIATION OR OTHER ENTITY WHICH, FOR COMPENSATION, RECEIVES SIGNALS
22 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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1 POLICE, OR OTHER AUTHORITIES AND/OR SUCH OTHER PERSONS AS ARE SET FORTH
2 IN THE CONTRACT BETWEEN THE MONITOR AND THE CONSUMER.
3 S 2. This act shall take effect on the thirtieth day after it shall
4 have become a law and the provisions of section 5-326.1 of the general
5 obligations law, as added by section one of this act, shall apply only
6 to contracts entered into on or after such date.