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

1937

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to the liability of vehicle owners

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

Section 1. The article heading of article 11 of the vehicle and traffic law is amended to read as follows:

[CIVIL] LIABILITY OF VEHICLE OWNER

S 2. Article 11 of the vehicle and traffic law is amended by adding a new section 389 to read as follows:

S 389. NEGLIGENT ENTRUSTMENT. ANY OWNER, AS DEFINED IN SECTION ONE HUNDRED TWENTY-EIGHT OF THIS CHAPTER, OF A MOTOR VEHICLE, AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, USED OR OPERATED IN THIS STATE WHO: GIVES HIS OR HER CONSENT, EXPRESS OR IMPLIED, FOR THE USE OR OPERATION OF SUCH VEHICLE TO A PERSON WHOM SUCH OWNER KNOWS OR SHOULD HAVE KNOWN OR IN THE EXERCISE OF REASONABLE CARE SHOULD HAVE KNOWN WAS NOT COMPETENT TO OPERATE SUCH VEHICLE SAFELY, OR TO A PERSON IN VIOLATION OF SECTION FIVE HUNDRED ONE-B OF THIS CHAPTER; AND DEATH OR INJURY TO PERSON OR PROPERTY RESULTS FROM NEGLIGENCE IN THE USE OR OPERATION OF SUCH VEHICLE; SHALL BE GUILTY OF NEGLIGENT ENTRUSTMENT.

ANY PERSON VIOLATING THIS PROVISION SHALL BE GUILTY OF A MISDEMEANOR.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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