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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ -- Multi-Sponsored by -- M. of A.
BOYLAND, GOTTFRIED -- read once and referred to the Committee on Judi-
ciary

AN ACT to amend the general obligations law, in relation to voiding
exemptions from liability

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

1 Section 1. The general obligations law is amended by adding a new
2 section 5-335 to read as follows:
3 S 5-335. CERTAIN EXEMPTIONS VOID AS AGAINST PUBLIC POLICY. EXCEPT
4 WHERE STATE STATUTE OR FEDERAL OR INTERNATIONAL LAW SPECIFICALLY
5 PROVIDES OTHERWISE, ANY PROVISION CONTAINED IN ANY COVENANT, CONTRACT OR
6 AGREEMENT, THAT PURPORTS TO EXEMPT A PARTY FROM LIABILITY FOR DAMAGES
7 CAUSED BY OR RESULTING FROM THE NEGLIGENCE OF THAT PARTY, OR ITS AGENTS,
8 SERVANTS OR EMPLOYEES, SHALL BE DEEMED VOID AS AGAINST PUBLIC POLICY AND
9 WHOLLY UNENFORCEABLE. THE UNENFORCEABILITY OF SUCH PROVISION SHALL NOT
10 AFFECT THE VALIDITY OR ENFORCEABILITY OF OTHER PROVISIONS OF THE COVEN-
11 ANT, CONTRACT OR AGREEMENT IN WHICH THE UNENFORCEABLE PROVISION IS
12 CONTAINED.
13 S 2. This act shall take effect immediately and shall apply to
14 contracts entered into on or after such effective date.

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

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