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

608--A

Cal. No. 49

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 Judiciary -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general obligations law is amended by adding a new section 5-336 to read as follows:

S 5-336. CERTAIN EXEMPTIONS VOID AS AGAINST PUBLIC POLICY. EXCEPT WHERE STATE STATUTE OR FEDERAL OR INTERNATIONAL LAW SPECIFICALLY PROVIDES OTHERWISE, ANY PROVISION CONTAINED IN ANY COVENANT, CONTRACT OR AGREEMENT, THAT PURPORTS TO EXEMPT A PARTY FROM LIABILITY FOR DAMAGES CAUSED BY OR RESULTING FROM THE NEGLIGENCE OF THAT PARTY, OR ITS AGENTS, SERVANTS OR EMPLOYEES, SHALL BE DEEMED VOID AS AGAINST PUBLIC POLICY AND WHOLLY UNENFORCEABLE. THE UNENFORCEABILITY OF SUCH PROVISION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF OTHER PROVISIONS OF THE COVENANT, CONTRACT OR AGREEMENT IN WHICH THE UNENFORCEABLE PROVISION IS CONTAINED.

S 2. This act shall take effect immediately and shall apply to 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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