

4246

2011-2012 Regular Sessions

I N A S S E M B L Y

February 2, 2011

Introduced by M. of A. CRESPO, P. LOPEZ, N. RIVERA -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to creating a cause of action for injuries or other damages sustained by reason of the violation of article 39-B of the general business law prohibiting imitation weapons

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 11-108 to read as follows:
3 S 11-108. COMPENSATION FOR INJURY CAUSED BY THE ILLEGAL IMPORTATION,
4 MANUFACTURE, SALE, OR DISTRIBUTION OF IMITATION WEAPONS. 1. ANY PERSON
5 WHO SHALL BE INJURED IN PERSON, PROPERTY, MEANS OF SUPPORT, OR OTHERWISE
6 BY REASON OF SUCH PERSON'S POSSESSION OF AN IMITATION WEAPON, WHETHER
7 RESULTING IN HIS OR HER DEATH OR NOT, SHALL HAVE A RIGHT OF ACTION
8 AGAINST ANY PERSON WHO SHALL, BY IMPORTING, MANUFACTURING, SELLING, OR
9 DISTRIBUTING SUCH IMITATION WEAPON IN VIOLATION OF ARTICLE THIRTY-NINE-B
10 OF THE GENERAL BUSINESS LAW, HAVE CAUSED OR CONTRIBUTED TO SUCH INJURY;
11 AND IN ANY SUCH ACTION SUCH PERSON SHALL HAVE A RIGHT TO RECOVER ACTUAL
12 AND EXEMPLARY DAMAGES.
13 2. IN CASE OF THE DEATH OF EITHER PARTY, THE ACTION OR RIGHT OF ACTION
14 GIVEN BY THIS SECTION SHALL SURVIVE TO OR AGAINST HIS OR HER EXECUTOR OR
15 ADMINISTRATOR, AND THE AMOUNT SO RECOVERED BY EITHER A HUSBAND, WIFE OR
16 CHILD SHALL BE HIS OR HER SOLE AND SEPARATE PROPERTY.
17 3. SUCH ACTION MAY BE BROUGHT IN ANY COURT OF COMPETENT JURISDICTION.
18 4. IN ANY CASE WHERE PARENTS SHALL BE ENTITLED TO SUCH DAMAGES, EITHER
19 THE FATHER OR MOTHER MAY SUE ALONE THEREFOR, BUT RECOVERY BY ONE OF SUCH
20 PARTIES SHALL BE A BAR TO SUIT BROUGHT BY THE OTHER.
21 5. FOR THE PURPOSES OF THIS SECTION, THE TERM "IMITATION WEAPON" SHALL
22 HAVE THE MEANING DEFINED THEREFOR BY SECTION EIGHT HUNDRED SEVENTY-ONE
23 OF THE GENERAL BUSINESS LAW.
24 S 2. This act shall take effect on the first of January next succeed-
25 ing 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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