

6702--A

I N S E N A T E

February 28, 2014

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law, in relation to the liability of the state for damages suffered due to defects in state highways

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

1 Section 1. Section 58 of the highway law, as amended by chapter 1110
2 of the laws of 1971, is amended to read as follows:
3 S 58. Liability of state for damages. The state shall not be liable
4 for damages suffered by any person from REASONABLY ANTICIPATED defects
5 in state highways, except THE STATE SHALL BE LIABLE FOR DEFECTS FOR
6 WHICH IT HAS BEEN GIVEN ACTUAL OR CONSTRUCTIVE NOTICE between the first
7 day of May and the fifteenth day of November on such highways as are
8 maintained by the state under such system as the commissioner of trans-
9 portation may adopt pursuant to section twelve OF THIS CHAPTER, but the
10 liability for such damages shall otherwise remain as now provided by
11 law, notwithstanding the construction or improvement and maintenance of
12 such highways by the state under this chapter; but nothing herein
13 contained shall be construed to impose on the state any liability for
14 defects in bridges over which the state has no control. Within the
15 limits of incorporated villages the state shall maintain a width of
16 pavement equal to the width of pavement constructed or improved at the
17 expense of the state, if a state highway, the location of the state's
18 portion of such roadway within said incorporated limits to be determined
19 by the center line of the roadway as shown on the plans on file with the
20 department of transportation and the state shall be liable for damages
21 to persons or property only when such damage shall occur as a result of
22 the defective condition of the portion of improved highway as above
23 described.
24 S 2. This act shall take effect immediately.

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

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