

3303--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 24, 2013

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Introduced by M. of A. ABBATE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general obligations law, in relation to enacting the "Steven Kovacs Law" to impose an affirmative duty upon a residential host to render assistance to a guest on private premises in the event of a medical emergency

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

1     Section 1. This act shall be known and may be cited as the "Steven  
2     Kovacs Law".

3     S 2. Article 9 of the general obligations law is amended by adding a  
4     new title 2 to read as follows:

5                                   TITLE 2

6                                   SOCIAL HOST RESPONSIBILITY

7     SECTION 9-201. SOCIAL HOST RESPONSIBILITY.

8     S 9-201. SOCIAL HOST RESPONSIBILITY. 1. FOR THE PURPOSES OF THIS  
9     SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

10    (A) "HOST" MEANS ANY PERSON OVER EIGHTEEN YEARS OF AGE HAVING CONTROL  
11    OVER A PRIVATE PREMISES.

12    (B) "CONTROL" MEANS THE ACTUAL AUTHORITY AND ABILITY TO REGULATE,  
13    DIRECT OR DOMINATE THE PRIVATE PREMISES.

14    (C) "PRIVATE PREMISES" MEANS ANY HOME, APARTMENT, CONDOMINIUM, COOPER-  
15    ATIVE UNIT OR OTHER DWELLING UNIT OF ANY KIND, INCLUDING YARDS AND OPEN  
16    AREAS OVER WHICH THE HOST HAS CONTROL.

17    (D) "GUEST" MEANS A PERSON WHO IS PHYSICALLY PRESENT ON THE PRIVATE  
18    PREMISES OF A HOST, AS AN EXPRESSED INVITEE OF THE HOST.

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

LBD05048-04-4

1       2. A HOST WHO IS PRESENT AND HAS EXPRESSLY INVITED A GUEST TO BE PRES-  
2 ENT UPON THE PRIVATE PREMISES OVER WHICH THE HOST EXERCISES CONTROL, HAS  
3 A DUTY TO PROVIDE REASONABLE ASSISTANCE TO SAID INVITEE WHO IS SUFFERING  
4 OR HAS SUFFERED A MEDICAL EMERGENCY WHICH REASONABLY APPEARS TO THREATEN  
5 THE LIFE OF THE GUEST. UPON FAILURE TO GIVE REASONABLE ASSISTANCE TO  
6 SUCH GUEST AFTER A REQUEST FOR SUCH ASSISTANCE, AFTER HAVING OBTAINED  
7 KNOWLEDGE THAT SUCH ASSISTANCE WAS REASONABLY WARRANTED, SAID HOST SHALL  
8 BE LIABLE FOR DAMAGES FOR INJURIES SUSTAINED BY SUCH GUEST OR FOR  
9 DAMAGES FOR THE DEATH OF SUCH GUEST WHICH OCCURRED BY REASON OF SUCH  
10 FAILURE. SAID DUTY SHALL BE SATISFIED BY OBTAINING OR REASONABLY  
11 ATTEMPTING TO OBTAIN AID FROM LAW ENFORCEMENT OR MEDICAL PERSONNEL.

12       3. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, ONCE A HOST AT THE  
13 PRIVATE PREMISES HAS UNDERTAKEN TO RENDER REASONABLE ASSISTANCE TO A  
14 GUEST, IT SHALL BE A COMPLETE DEFENSE AGAINST ANY CLAIM FOR DAMAGES  
15 ALLEGEDLY CAUSED BY ACTS OR OMISSIONS OF SUCH PERSON IN RENDERING SUCH  
16 ASSISTANCE, UNLESS IT IS ESTABLISHED THAT SUCH INJURIES OR DEATH WERE  
17 CAUSED BY GROSS NEGLIGENCE ON THE PART OF SUCH PERSON.

18       S 3. This act shall take effect on the sixtieth day after it shall  
19 have become a law.