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

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I N A S S E M B L Y

March 17, 2016

Introduced by M. of A. McDONALD, FAHY, SANTABARBARA, ENGLEBRIGHT, LIFTON, MOSLEY, OTIS, SKOUFIS, THIELE, TITONE, BRAUNSTEIN, CAHILL, COOK, GOTTFRIED, McLAUGHLIN, RAIA, PALUMBO -- Multi-Sponsored by -- M. of A. CERETTO, RAMOS -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the tolling of the statute of limitations relating to personal injury caused by contact with or exposure to any substance or combination of substances found within an area designated as a superfund site

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

Section 1. The civil practice law and rules is amended by adding a new section 214-f to read as follows:

S 214-F. ACTION TO RECOVER DAMAGES FOR PERSONAL INJURY CAUSED BY CONTACT WITH OR EXPOSURE TO ANY SUBSTANCE OR COMBINATION OF SUBSTANCES FOUND WITHIN AN AREA DESIGNATED AS A SUPERFUND SITE. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AN ACTION TO RECOVER PERSONAL DAMAGES FOR INJURY CAUSED BY CONTACT WITH OR EXPOSURE TO ANY SUBSTANCE OR COMBINATION OF SUBSTANCES CONTAINED WITHIN AN AREA DESIGNATED AS A SUPERFUND SITE PURSUANT TO EITHER CHAPTER 103 OF SECTION 42 OF THE UNITED STATES CODE AND/OR SECTION 27-1303 OF THE ENVIRONMENTAL CONSERVATION LAW, MAY BE COMMENCED WITHIN THREE YEARS FROM THE DATE OF THE DISCOVERY OF SUCH INJURY, OR THREE YEARS FROM THE DATE WHEN THROUGH THE EXERCISE OF REASONABLE DILIGENCE THE CAUSE OF SUCH INJURY SHOULD HAVE BEEN DISCOVERED, OR WITHIN THREE YEARS OF SUCH DESIGNATION OF SUCH AN AREA AS A SUPERFUND SITE, WHICHEVER IS LATEST.

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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