

# STATE OF NEW YORK

5078

2017-2018 Regular Sessions

## IN SENATE

March 7, 2017

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the highway law, in relation to state liability for defects in 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 § 58. Liability of state for damages. The state shall [~~not~~] be liable  
4 for damages suffered by any person from defects in state highways[~~7~~  
5 ~~except~~] maintained by the state under such system as the commissioner of  
6 transportation may adopt pursuant to section twelve of this chapter (1)  
7 between the first day of May and the fifteenth day of November [~~on such~~  
8 ~~highways as are maintained by the state under such system as the commis-~~  
9 ~~sioner of transportation may adopt pursuant to section twelve, but the~~]  
10 and (2) between the sixteenth day of November and the thirtieth day of  
11 April for defects for which it has been given actual or constructive  
12 notice. The liability for such damages shall otherwise remain as now  
13 provided by law, notwithstanding the construction or improvement and  
14 maintenance of such highways by the state under this chapter; but noth-  
15 ing herein contained shall be construed to impose on the state any  
16 liability for defects in bridges over which the state has no control.  
17 Within the limits of incorporated villages the state shall maintain a  
18 width of pavement equal to the width of pavement constructed or improved  
19 at the expense of the state, if a state highway, the location of the  
20 state's portion of such roadway within said incorporated limits to be  
21 determined by the center line of the roadway as shown on the plans on  
22 file with the department of transportation and the state shall be liable  
23 for damages to persons or property only when such damage shall occur as  
24 a result of the defective condition of the portion of improved highway  
25 as above described.

26 § 2. This act shall take effect immediately and shall apply to any  
27 cause of action that accrues 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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