

STATE OF NEW YORK

9744

IN ASSEMBLY

February 5, 2018

Introduced by M. of A. SCHIMMINGER, McDONALD -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to damages recoverable when contributory negligence or assumption of risk is established in cases involving building construction, demolition and repair work

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 1411 of the civil practice law and rules, as added
2 by chapter 69 of the laws of 1975, is amended to read as follows:
3 § 1411. Damages recoverable when contributory negligence or assumption
4 of risk is established. In any action to recover damages for personal
5 injury, injury to property, or wrongful death, the culpable conduct
6 attributable to the claimant or to the decedent, including contributory
7 negligence or assumption of risk, shall not bar recovery, but the amount
8 of damages otherwise recoverable shall be diminished in the proportion
9 which the culpable conduct attributable to the claimant or decedent
10 bears to the culpable conduct which caused the damages. Notwithstanding
11 any judicial precedent, statute, rule or regulation to the contrary,
12 this section shall apply, outside of a city with a population of one
13 million or more, to any action to recover damages for personal injury,
14 injury to property or wrongful death brought under article ten of the
15 labor law.
16 § 2. This act shall take effect January 1, 2019 and shall apply to all
17 actions commenced 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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