STATE OF NEW YORK

3737

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. McDONALD, SCHIMMINGER, CROUCH, ORTIZ, GALEF, RIVERA, STEC, D'URSO, LAWRENCE, DiPIETRO, TAYLOR -- 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:

Section 1. Section 1411 of the civil practice law and rules, as added by chapter 69 of the laws of 1975, is amended to read as follows:

§ 1411. Damages recoverable when contributory negligence or assumption of risk is established. In any action to recover damages for personal injury, injury to property, or wrongful death, the culpable conduct attributable to the claimant or to the decedent, including contributory negligence or assumption of risk, shall not bar recovery, but the amount of damages otherwise recoverable shall be diminished in the proportion which the culpable conduct attributable to the claimant or decedent bears to the culpable conduct which caused the damages. **Notwithstanding any judicial precedent, statute, rule or regulation to the contrary, this section shall apply to any action to recover damages for personal injury, injury to property or wrongful death brought under article ten of the labor law.**

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law and shall apply to all 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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