STATE OF NEW YORK

1822

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

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

AN ACT to amend the vehicle and traffic law, in relation to imposing strict liability on manufacturers, owners, and operators of unmanned motor vehicles

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

Section 1. The vehicle and traffic law is amended by adding a new section 389 to read as follows:

§ 389. Strict liability for manufacturers, owners, and operators of unmanned motor vehicles. 1. Every manufacturer, owner, and operator of unmanned motor vehicles used or operated in this state shall be held strictly liable and responsible for death or injuries to person or property resulting from the use or operation of such vehicle in this state, in the business of such owner or otherwise, by any person using or operating the same with the permission, express or implied, of such owner. Whenever any unmanned motor vehicles shall be used in combination with one another, by attachment or tow, the person using or operating any one vehicle shall, for the purposes of this section, be deemed to be using or operating each vehicle in the combination, and the owners thereof shall be jointly and severally liable hereunder.

2. As used in this section, "unmanned motor vehicle" means a "motor vehicle", as defined in section one hundred twenty-five of this chapter, except fire and police vehicles, "semitrailer" and "trailer" as defined in article one of this chapter, and all flying vehicles, whether or not such vehicles are used or operated upon a public highway, that does not carry a human operator.

3. As used in this section, "owner" shall be as defined in section one hundred twenty-eight of this chapter and their liability under this section shall be joint and several. If a vehicle is sold under a contract of sale which reserves a security interest in the vehicle in

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

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favor of the vendor, such vendor or his assignee shall not, after delivery of such vehicle, be deemed an owner within the provisions of this section, but the vendee, or his assignee, receiving possession thereof, shall be deemed such owner notwithstanding the terms of such contract, until the vendor or his assignee shall retake possession of such vehicle. A secured party in whose favor there is a security interest in any vehicle out of his possession, shall not be deemed an owner within the provisions of this section.

4. As used in this section, "manufacturer" shall be defined as any person or business entity engaged in manufacturing or producing unmanned motor vehicles.

5. As used in this section, "operator" shall be defined as any person who has control over the unmanned motor vehicle.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.