STATE OF NEW YORK

1235

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. ABINANTI, SANTABARBARA, GOTTFRIED, MOSLEY, BLAKE, BARRON, SOLAGES, COLTON, COOK, MALLIOTAKIS, ENGLEBRIGHT, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ARROYO, McDONOUGH, PERRY, PICHARDO, SIMON, THIELE -- read once and referred to the Committee on Judiciary

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:

Section 1. Section 58 of the highway law, as amended by chapter 1110 of the laws of 1971, is amended to read as follows:

§ 58. Liability of state for damages. The state shall [~~not~~] be liable for damages suffered by any person from defects in state highways[~~, except between the first day of May and the fifteenth day of November on such highways as are maintained by the state under such system as the commissioner of transportation may adopt pursuant to section twelve, but the liability for such damages shall otherwise remain as now provided by law~~] **maintained by the state under such system as the commissioner of transportation may adopt pursuant to section twelve of this chapter, provided the state has received actual or constructive notice of such defects**, notwithstanding the construction or improvement and maintenance of such highways by the state under this chapter; but nothing herein contained shall be construed to impose on the state any liability for defects in bridges over which the state has no control. Within the limits of incorporated villages the state shall maintain a width of pavement equal to the width of pavement constructed or improved at the expense of the state, if a state highway, the location of the state's portion of such roadway within said incorporated limits to be determined by the center line of the roadway as shown on the plans on file with the department of transportation and the state shall be liable for damages to persons or property only when such damage shall occur as a result of

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

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the defective condition of the portion of improved highway as above described.

§ 2. This act shall take effect immediately and shall apply to any cause of action that accrues on or after such effective date.