STATE OF NEW YORK

570

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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:

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~~] **maintained by the state under such system as the commissioner of transportation may adopt pursuant to section twelve of this chapter (1)** 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~~] **and (2) between the sixteenth day of November and the thirtieth day of April for defects for which it has been given actual or constructive notice. The** liability for such damages shall otherwise remain as now provided by law, 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

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

LBD03680-01-9

a result of 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.