STATE OF NEW YORK

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5376--B

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021
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Introduced by M. of A. QUART, HEVESI, ANDERSON, AUBRY, ZINERMAN, JACK-
  SON, SIMON, KELLES -- read once and referred to the Committee on Codes
  -- committee discharged, bill amended, ordered reprinted as amended
  and recommitted to said committee -- recommitted to the Committee on
  Codes in accordance with Assembly Rule 3, sec. 2 -- committee
  discharged, bill amended, ordered reprinted as amended and recommitted
  to said committee

AN ACT to amend the civil practice law and rules, in relation to
  evidence of lost earnings or impaired earning capacity

  **The People of the State of New York, represented in Senate and Assem-
  bly, do enact as follows:**

 1   Section 1. The civil practice law and rules is amended by adding a new
 2 section 4550 to read as follows:
 3   **§ 4550. Evidence concerning earnings. Evidence concerning opinions,**
 4 **estimations, measures, or calculations of damages for lost earnings or**
 5 **impaired earning capacity resulting from personal injury or wrongful**
 6 **death shall not be received by the court or considered by the trier of**
 7 **fact, if any portion of the opinions, estimations, measures, or calcu-**
 8 **lations is based on race, creed, color, national origin, religion, sexu-**
 9 **al orientation, gender identity or expression, sex, familial status,**
10 **marital status, or status as a victim of domestic violence. No party**
11 **shall be permitted to examine or cross-examine a witness, or make any**
12 **argument or comment to the trier of fact, relating to damages for lost**
13 **earnings or impaired earning capacity resulting from personal injury or**
14 **wrongful death based on race, creed, color, national origin, religion,**
15 **sexual orientation, gender identity or expression, sex, familial status,**
16 **marital status, or status as a victim of domestic violence.**
17   § 2. This act shall take effect immediately.

       EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets
                    [-] is old law to be omitted.
                                                          LBD02925-04-2