STATE OF NEW YORK

1068--A

Cal. No. 407

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sens. BIAGGI, HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 Assembly, do enact as follows:

Section 1. The civil practice law and rules is amended by adding a new section 4549 to read as follows:

§ 4549. Evidence concerning earnings. Evidence concerning opinions, estimations, measures, or calculations of damages for lost earnings or impaired earning capacity resulting from personal injury or wrongful death shall not be received by the court or considered by the trier of fact, if any portion of the opinions, estimations, measures, or calculations is based on race, creed, color, national origin, religion, sexual orientation, gender identity or expression, sex, familial status, marital status, or status as a victim of domestic violence. No party shall be permitted to examine or cross-examine a witness, or make any argument or comment to the trier of fact, relating to damages for lost earnings or impaired earning capacity resulting from personal injury or wrongful death based on race, creed, color, national origin, religion, sexual orientation, gender identity or expression, sex, familial status, marital status, or status as a victim of domestic violence.

§ 2. This act shall take effect immediately.

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

LBD02925-02-1