

# STATE OF NEW YORK

4139

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ABINANTI, SMITH -- 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:

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

3 § 58. Liability of state for damages. The state shall [~~not~~] be liable  
4 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~~  
5 ~~such highways as are maintained by the state under such system as the~~  
6 ~~commissioner of transportation may adopt pursuant to section twelve, but~~  
7 ~~the liability for such damages shall otherwise remain as now provided by~~  
8 ~~law]~~ maintained by the state under such system as the commissioner of  
9 transportation may adopt pursuant to section twelve of this chapter,  
10 provided the state has received actual or constructive notice of such  
11 defects, notwithstanding the construction or improvement and maintenance  
12 of such highways by the state under this chapter; but nothing herein  
13 contained shall be construed to impose on the state any liability for  
14 defects in bridges over which the state has no control. Within the  
15 limits of incorporated villages the state shall maintain a width of  
16 pavement equal to the width of pavement constructed or improved at the  
17 expense of the state, if a state highway, the location of the state's  
18 portion of such roadway within said incorporated limits to be determined  
19 by the center line of the roadway as shown on the plans on file with the  
20 department of transportation and the state shall be liable for damages  
21 to persons or property only when such damage shall occur as a result of  
22 the defective condition of the portion of improved highway as above  
23 described.  
24

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

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

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