

# STATE OF NEW YORK

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3792

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

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Introduced by Sen. COMRIE -- 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 liability of the state for damages caused by reported defects and potholes; and to amend the transportation law, in relation to establishing an interactive website for reporting defects and potholes on the state highway system and thruway

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  
5 between the sixteenth day of November and the last day of April except  
6 when the defect found to cause the damages was reported by telephone or  
7 by an online report submitted to the telephone number or website desig-  
8 nated by the department to receive such reports and fourteen days have  
9 elapsed from the date the initial report was submitted and the defect  
10 was not repaired and, except between the first day of May and the  
11 fifteenth day of November on such highways as are maintained by the  
12 state under such system as the commissioner of transportation may adopt  
13 pursuant to section twelve, but the liability for such damages shall  
14 otherwise remain as now provided by law, notwithstanding the  
15 construction or improvement and maintenance of such highways by the  
16 state under this chapter; but nothing herein contained shall be  
17 construed to impose on the state any liability for defects in bridges  
18 over which the state has no control. Within the limits of incorporated  
19 villages the state shall maintain a width of pavement equal to the width  
20 of pavement constructed or improved at the expense of the state, if a  
21 state highway, the location of the state's portion of such roadway with-  
22 in said incorporated limits to be determined by the center line of the

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

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1 roadway as shown on the plans on file with the department of transporta-  
2 tion and the state shall be liable for damages to persons or property  
3 only when such damage shall occur as a result of the defective condition  
4 of the portion of improved highway as above described.

5 § 2. Section 14 of the transportation law is amended by adding a new  
6 subdivision 36 to read as follows:

7 36. The commissioner shall establish an interactive website by which  
8 persons may report the locations of defects and potholes on the state  
9 highway system and the New York state thruway and receive, at such  
10 person's request, notification when repairs to the reported defect or  
11 pothole have been completed. The commissioner shall also post the  
12 locations of each reported defect or pothole on such interactive website  
13 until such time as such defect or pothole is repaired.

14 § 3. This act shall take effect on the one hundred twentieth day after  
15 it shall have become a law. Effective immediately, the addition, amend-  
16 ment and/or repeal of any rule or regulation necessary for the implemen-  
17 tation of this act on its effective date are authorized to be made and  
18 completed on or before such effective date.