STATE OF NEW YORK

3792

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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:

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 **between the sixteenth day of November and the last day of April except when the defect found to cause the damages was reported by telephone or by an online report submitted to the telephone number or website designated by the department to receive such reports and fourteen days have elapsed from the date the initial report was submitted and the defect was not repaired and**, except 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 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

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

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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 a result of the defective condition of the portion of improved highway as above described.

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

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

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.