STATE OF NEW YORK

3517

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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 4550 to read as follows:

§ 4550. 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.

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