STATE OF NEW YORK

8905

IN SENATE

January 14, 2026

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

AN ACT to amend the vehicle and traffic law and the civil practice law and rules, in relation to limiting damages that can be recovered in a tort claim by uninsured motorists, intoxicated drivers, and those convicted of a felony during which the accident occurred

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 389 to read as follows:

§ 389. Limited recovery. 1. In an action for recovery following an accident, any plaintiff who was operating a vehicle which was not insured pursuant to the provisions of this chapter at the time of the accident shall not be granted any award or relief in excess of any compensatory damages derived from property damage, medical expenses, and lost wages as a direct result of such accident.

2. In an action for recovery following an accident, any plaintiff who was operating a vehicle while intoxicated at the time of the accident and convicted of such shall not be granted any award or relief in excess of any compensatory damages derived from property damage, medical expenses, and lost wages as a direct result of such accident.

3. In an action for recovery following an accident, any plaintiff who was operating a vehicle in the commission of a felony, or immediate flight therefrom, at the time of such accident and has been convicted of such felony shall not be granted any award or relief in excess of any compensatory damages derived from property damage, medical expenses, and lost wages as a direct result of such accident. The provisions of this subdivision shall not apply in an action for injury caused by police misconduct.

§ 2. Section 1411 of the civil practice law and rules, as added by chapter 69 of the laws of 1975, is amended to read as follows:

§ 1411. Damages recoverable when contributory negligence or assumption of risk is established. [~~In~~] **Except as provided in section three hundred eighty-nine of the vehicle and traffic law, in** any action to recover

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

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damages for personal injury, injury to property, or wrongful death, the culpable conduct attributable to the claimant or to the decedent, including contributory negligence or assumption of risk, shall not bar recovery, but the amount of damages otherwise recoverable shall be diminished in the proportion which the culpable conduct attributable to the claimant or decedent bears to the culpable conduct which caused the damages.

§ 3. This act shall take effect immediately.