

# STATE OF NEW YORK

3313

2025-2026 Regular Sessions

## IN ASSEMBLY

January 27, 2025

Introduced by M. of A. SMITH, MAHER, GIGLIO, BRABENEC, MIKULIN -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, in relation to the liability of the state for damages to persons caused by defects in state 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[~~r~~  
5 ~~except between the first day of May and the fifteenth day of November~~]  
6 on such highways as are maintained by the state under such system as the  
7 commissioner of transportation may adopt pursuant to section twelve of  
8 this chapter, but the liability for such damages shall otherwise remain  
9 as now provided by law, notwithstanding the construction or improvement  
10 and maintenance of such highways by the state under this chapter; but  
11 nothing herein contained shall be construed to impose on the state any  
12 liability for defects in bridges over which the state has no control.  
13 Within the limits of incorporated villages the state shall maintain a  
14 width of pavement equal to the width of pavement constructed or improved  
15 at the expense of the state, if a state highway, the location of the  
16 state's portion of such roadway within said incorporated limits to be  
17 determined by the center line of the roadway as shown on the plans on  
18 file with the department of transportation and the state shall be liable  
19 for damages to persons or property only when such damage shall occur as  
20 a result of the defective condition of the portion of improved highway  
21 as above described.  
22 § 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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