



Legislation Text

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Int. No. 522

By Council Members Liu, Gonzalez, Reyna, Sears and Comrie (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to liability insurance for injuries caused by unsafe conditions on sidewalks and payments for uncompensated medical expenses in connection with such injuries.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 7-211 to read as follows:

§7-211 Personal injury and property damage liability insurance. An owner of real property, other than a public corporation as defined in section sixty-six of the general construction law or a state or federal agency or instrumentality, to which subdivision b of section 7-210 of this code applies, shall be required to have a policy of personal injury and property damage liability insurance for such property for liability for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain the sidewalk abutting such property in a reasonably safe condition. The city shall not be liable for any injury to property or personal injury, including death, as a result of the failure of an owner to comply with this section.

§ 2. The administrative code of the city of New York is amended by adding a new section 7-212 to read as follows:

§ 7-212 Authority to make payments for personal injury, including death, where abutting property owner liable pursuant to section 7-210 is uninsured. a. Where a judgment for personal injury, including death, obtained against an abutting property owner pursuant to section 7-210 of this code is unsatisfied for a period of at least one year following entry of such judgment in the office of the county clerk of the county in which such

property is situated and the judgment debtor has been determined by the comptroller after investigation to have no policy of liability insurance or other assets to satisfy such judgment, the comptroller, after consultation with the corporation counsel, is hereby authorized and empowered to make a payment for such personal injury, including death.

b. Any such payment shall be made in the discretion of the comptroller and shall not be made as a matter of right. The amount of such payment shall not exceed uncompensated medical expenses. Payment may be in a single payment, or may be made in periodic payments. No such payment or periodic payments shall exceed fifty thousand dollars in total with respect to any unsatisfied judgment and the total of all such payments for all judgments in any fiscal year shall not exceed four million dollars.

c. Petitions for a payment under this section shall be presented to the comptroller not less than one or more than three years following entry of such judgment in the office of the county clerk of the county in which such property is located. Each petition shall include evidence demonstrating (i) that efforts to collect the judgment have been pursued, and (ii) that the judgment debtor has no policy of liability insurance or other assets to satisfy the judgment.

d. Before the comptroller shall make such payment, he or she shall require the petitioner to execute an assignment of the judgment to the city. After assignment the city shall be entitled to enforce the judgment. To the extent that the city collects money on the judgment in excess of the payment or payments made to a petitioner pursuant to this section, such excess amount shall be paid to the petitioner after deducting the city's expenses.

e. No payment shall be made under this section if it is determined that the unsatisfied judgment was obtained by fraud, or by collusion of the plaintiff and of any defendant in the action.

f. The comptroller shall, by rule, establish procedures for the presentation of petitions for payment pursuant to the provisions of subdivision c of this section, for the review of such petitions by that office and with respect to such other matters as are necessary to implement the provisions of this section.

§ 3. This local law shall take effect on the sixtieth day after it shall have become a law and shall apply to accidents occurring on or after such effective date.

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