

SCAFFOLD LAW REFORM



Ending absolute liability

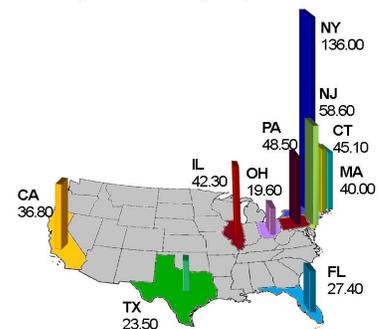
The “Scaffold Law” is patently unjust

The Scaffold Law (NYS Labor Law 240/241) was first enacted in the late 19th century. It holds property owners, employers, and contractors absolutely liable for gravity related construction injuries. Any contributing fault of the worker—even gross negligence or intoxication—is not considered in court. Even parties that had no supervisory control over the work are held liable. New York is the only state that still keeps this law on the books.

The costs of the Scaffold Law are substantial

- The Scaffold Law costs taxpayers \$785 million and private businesses \$1.49 billion each year.¹
- More than half of the top 30 highest settlements in 2012 resulted from Scaffold Law claims, and of those, 25% were against public entities.²
- The Scaffold Law is estimated to add \$200 – \$400 million in additional costs to the construction of the new Tappan Zee Bridge.³
- The Scaffold Law is associated with an estimated 677 additional construction injuries each year.⁴
- New York’s general liability insurance costs, the highest in the nation for construction, are directly correlated to the Scaffold Law,⁵ and the number of carriers that write general liability policies in New York has plummeted.⁶
- The number of Scaffold Law cases has increased 500% since 1990, even though the rate of injury has decreased.

ISO Base Loss Costs, 2012
Bridge/Elevated Highway Construction



The Scaffold Law must be reformed

The Scaffold Law must be reformed to allow liability to be apportioned based on fault—the same as every other state in the nation, and the same as virtually every other area of our civil justice system. Reforming the Scaffold law could create over 27,000 jobs in the construction industry, promote economic growth, and save hundreds of millions of taxpayer dollars.⁷

^{1,4,7} Hattery, M, Geddes, R, and Kay, M. “The Costs of Labor Law 240 on New York’s Economy and Public Infrastructure.” Rockefeller Institute. 2013.

² “Top New York Settlements 2012.” ALM VerdictSearch.

³ Chaban, Matt. “Builders, Insurers Stepping up Effort to Dismantle Scaffold Law.” Crain’s New York Business. 17 March, 2013

⁵ Geddes, Richard. “Memo: Labor Law 240 and Loss Costs.” Cornell University. 2014.

⁶ Green, Meg. “Mass Withdrawal of Construction Liability Writers in NY Traced Back to Scaffold Law.” AM Best. 03 October, 2012