



# LAWSUIT REFORM ALLIANCE OF NEW YORK

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## SUPPORT

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**BILL NUMBER:** S.678 (HARKHAM) / A2016 (Barrett)  
**SUBJECT:** Liability for Persons Permitted to Use Certain Premises  
**DATE:** February 10, 2021  
**CONTACT:** Tom Stebbins

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### Summary:

Removes liability for the death of a person caused by any act of persons permitted to use certain premises and removes liability from the owner, lessee or occupant of premises adjacent to such premises.

### Why we strongly support this legislation:

#### ***Clarifies the Original Intent of the Law***

- This legislation amends the general obligations law to add “recreational use” to an already expansive, but no exhaustive, list of a covered activities including bike riding, skiing, and snowmobiling. However the list cannot cover all the possible activities — for example it includes hiking but not running — therefore adding this term will align with the intent of the law.

#### ***Allows for the Expansion of Rail-to-Trail and Other Recreational Development***

- The support of rail-to-trail or other public use development requires the support of nearby landowners. The possible threat of liability for persons the landowner has permitted, for the public good, to use their property, could severely deter critical local landowner support for these projects.

#### ***Fixes a Glaring Omission***

- The current law protects landowners and lessees from liability for injury, but critically not for death. This omission means that landowners are protected except from the most catastrophic outcomes, essentially negating the value of all other protections. If landowners are not protected from the most devastating possible liabilities, they are far less likely to permit public use of their lands.

#### ***Landowners Should Not Be Liable for Injuries Completely Out of Their Control***

- Landowners who permit others to use their property for recreation have essentially zero direct control over those they have permitted to use their property.

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The Lawsuit Reform Alliance of New York is a not-for-profit association of businesses, healthcare providers, growers, membership organizations, and taxpayers dedicated to reform of the legal system in order to foster a better business climate, promote job growth and address the growing cost of lawsuit abuse.