



MEMORANDUM IN SUPPORT

LEGISLATIVE REFERENCE	A.5624 - by M of A McDonald – Judiciary Committee
TITLE	AN ACT to amend the civil practice law and rules, in relation to damages recoverable when contributory negligence or assumption of risk is established in cases involving building construction, demolition and repair work.
SUMMARY OF PROVISIONS	Amends CPLR 1411 to apply a standard of comparative negligence with respect to actions for personal injury, property damage or wrongful death brought under article ten of the Labor Law.
REASONS FOR SUPPORT	The Business Council of Westchester (BCW) firmly supports this legislation and requests that the State Legislature pass this long-overdue measure.

The Scaffold Law, (Labor Law 240/241) was first enacted in the late 19th century and holds property owners, employers and contractors **ABSOLUTELY LIABLE** for “gravity related” injuries that happen on the job. What this means is that there is no defense from a lawsuit, even if workers’ gross negligence contributed to the accident. Even parties that had no supervisory control over the worker are held liable. New York is the **ONLY** state in the country that still keeps this law on the books. Furthermore:

- The Scaffold Law costs taxpayers \$785 million annually.
- Local governments pay higher costs for capital projects whether the work is done directly or through private contractors.
- More than half of the top 30 highest settlements resulted from Scaffold Law claims, and of those 25% were against public entities.
- The Scaffold Law is estimated to add \$200-\$400 million in additional costs to the construction of the new Tappan Zee Bridge.
- To date, 33 County Legislatures in New York have passed resolutions calling on the state government to reform the Scaffold Law.
- The number of Scaffold Law cases has increased 500% since 1990, even though the rate of injury has decreased.
- The Scaffold Law costs the private sector an estimated \$1.19 billion annually due to reduced public sector spending.

It is important to note that reforming the Scaffold Law would not diminish worker safety rules and regulations.

For these reasons, the BCW urges the State Legislature to approve this bill.