

Vincent Pozzuto Addresses Caucus of New York State Assembly on Scaffold Law Reform

Tuesday, April 15, 2014

Vincent Pozzuto, a member of Cozen O'Connor's Commercial Litigation Department, was asked by firm client Turner Construction Company to appear with representatives of the Alliance for Minority and Women Construction Businesses (AMWCB) before a caucus of the New York State Assembly in support of a bill aimed at reforming New York State Labor Law Section 240(1), otherwise known as the "Scaffold Law." The statute holds property owners and general contractors absolutely liable for gravity related accidents at construction sites, and comparative negligence cannot be raised as a defense. Through case law interpretation of the statute, it has expanded tremendously in terms of its breadth and the types of accidents to which it now applies. The proposed reform would allow juries to consider the plaintiff's own comparative fault. The AMWCB supports the reform, as the statute and its effects have driven up the costs of liability insurance for contractors, and it has become increasingly difficult for AMWCB contractors to bid on high level projects due to the insurance requirements of such projects. Vincent was able to answer questions from members of the State Assembly regarding how New York Courts have interpreted and expanded the statute, and the difficulty in establishing the limited defenses that exist.