

# STATE OF NEW YORK

2039

2021-2022 Regular Sessions

## IN ASSEMBLY

January 14, 2021

Introduced by M. of A. DILAN, HEVESI, D. ROSENTHAL, SAYEGH, COOK, ABINANTI, PICHARDO, REYES, HYNDMAN, McDONOUGH, WILLIAMS, GLICK, FERNANDEZ, COLTON, HUNTER, DICKENS, TAYLOR, BRAUNSTEIN, SEAWRIGHT -- Multi-Sponsored by -- M. of A. DE LA ROSA, SIMON -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to modular construction work

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 241-c to  
2 read as follows:

3 § 241-c. Modular construction work. 1. As used in this section:

4 (a) "Closed construction" shall mean any building, building component,  
5 assembly, or system manufactured in such a manner that all concealed  
6 parts or processes of manufacture cannot be inspected before installa-  
7 tion at the building site without disassembly, damage, or destruction.

8 (b) "Component" shall mean any sub-system, sub-assembly, or other  
9 system or fabrication designed for use in or as part of a structure,  
10 which may include woodwork, cases, cabinets or counters and the fabri-  
11 cation of electrical, plumbing, heating, cooling, ventilation, fire  
12 protection, exhaust duct systems, and mechanical insulation, or other  
13 systems affecting health and safety, designed and engineered for instal-  
14 lation in the construction, repair, or renovation of a manufactured  
15 building.

16 (c) "Manufactured building" shall mean a structure consisting of one  
17 or more transportable sections of closed construction built within a  
18 manufacturing facility when such building is designed to be greater than  
19 six stories in height.

20 (d) "Manufacturing facility" shall mean the place or places at which  
21 machinery, equipment, and other materials are assembled and operated for  
22 the purposes of making, fabricating, forming, or assembling manufactured  
23 buildings or components.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 (e) "Modular construction" shall mean all aspects of the construction  
2 of a manufactured building.

3 (f) "Municipal" or "municipality" shall mean a city with a population  
4 of one million or more.

5 2. Modular construction shall comply with any existing municipal  
6 licensing requirements for all electrical, plumbing, and fire  
7 suppression work, including licensing requirements that require plumb-  
8 ing, fire suppression, and electrical work to be done under the direct  
9 and continuing supervision of a person licensed by such municipality,  
10 whether any phase of such construction is done within the geographical  
11 boundaries of such municipality or in a manufacturing facility located  
12 outside the municipality. No municipality shall exempt modular  
13 construction from any such licensing requirements and shall consider all  
14 phases of such modular construction the same as conventional  
15 construction erected within the geographical boundaries of the munici-  
16 pality for purposes of such licensing requirements.

17 § 2. Section 242 of the labor law, as amended by chapter 367 of the  
18 laws of 1969, is amended to read as follows:

19 § 242. Application and enforcement of article. Notwithstanding any  
20 other law or regulation, local or general, the provisions of this arti-  
21 cle and the rules issued thereunder shall be applicable exclusively  
22 throughout the state and the commissioner shall have exclusive authority  
23 to enforce this article and the rules issued thereunder. Section two  
24 hundred forty-one-c of this article shall supersede any existing state  
25 or local law or rule except any requirements already existing under  
26 article twenty-one-b of the executive law; further, no municipality  
27 shall adopt a law or regulation which is intended to reduce the  
28 restrictions as set forth in section two hundred forty-one-c of this  
29 article.

30 § 3. This act shall take effect immediately.