STATE OF NEW YORK

9128

2025-2026 Regular Sessions

IN ASSEMBLY

September 26, 2025

Introduced by M. of A. E. BROWN -- read once and referred to the Committee on Labor

AN ACT to amend the general municipal law, in relation to limiting liability for elevation-related construction accidents in Nassau and Suffolk counties

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

Section 1. Legislative findings. The Legislature finds that section 240 of the labor law, known as the "Scaffold Law," imposes absolute liability on property owners and contractors for elevation-related accidents regardless of worker negligence. This outdated framework, unique to New York, has led to inflated insurance costs, deterred investment, and burdened local governments and taxpayers on Long Island with hundreds of millions in added project costs.

The Legislature further finds that local governments in Nassau and Suffolk counties require relief from these disproportionate costs to ensure affordable infrastructure, housing, and economic development.

§ 2. The general municipal law is amended by adding a new section 103-h to read as follows:

§ 103-h. Liability standard for construction projects in Nassau and Suffolk counties. 1. Notwithstanding any inconsistent provision of law, the liability standard under section two hundred forty of the labor law shall not apply to public or private construction projects undertaken within the counties of Nassau and Suffolk.

2. In such counties, liability for elevation-related construction injuries shall be determined according to the principles of comparative negligence set forth in article fourteen-A of the civil practice law and rules.

3. Nothing in this section shall relieve employers or contractors of their obligations under federal workplace safety standards, including

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

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the federal Occupational Safety and Health Act, or under other applicable provisions of state law.

§ 3. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 4. This act shall take effect immediately.