

# STATE OF NEW YORK

9633

## IN ASSEMBLY

January 21, 2026

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

AN ACT to amend the labor law, the education law, the insurance law, the public housing law and the workers' compensation law, in relation to the scaffolding law; and to repeal subdivision 1 of section 240 and section 241 of the labor law relating thereto

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

1 Section 1. Subdivision 1 of section 240 of the labor law is REPEALED.  
2 § 2. Section 241 of the labor law is REPEALED.  
3 § 3. The opening paragraph of subdivision 3 of section 30 of the labor  
4 law, as amended by chapter 90 of the laws of 2015, is amended to read as  
5 follows:  
6 Except for variations concerning provisions, rules, codes, orders or  
7 any other matter affecting asbestos projects, mold projects or safety  
8 and health standards for public employees, including but not limited to  
9 projects covered by article thirty and section twenty-seven-a [~~and~~  
10 ~~subdivision ten of section two hundred forty-one~~] of this chapter;  
11 § 4. Paragraph d of subdivision 1 of section 372-a of the education  
12 law, as added by chapter 624 of the laws of 1999, is amended to read as  
13 follows:  
14 d. Any contracts or leases entered into by the trustees of the state  
15 university of New York pursuant to this section shall require the lessee  
16 or contracting not-for-profit corporation to comply with the require-  
17 ments of article fifteen-A of the executive law. Any contract or lease  
18 for construction, rehabilitation, or other improvement authorized by  
19 this section entered into by the trustees shall require the lessee or  
20 contractor and/or subcontractor to comply with the requirements of  
21 [~~section~~] sections two hundred twenty, two hundred thirty, two hundred  
22 thirty-one[~~7~~] and two hundred forty [~~and two hundred forty-one~~] of the  
23 labor law, where applicable, as well as sections one hundred one and one  
24 hundred three of the general municipal law, where applicable;

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

LBD13966-01-5

1 § 5. The opening paragraph of paragraph 1 of subsection (e) of section  
2 2304 of the insurance law, as added by chapter 135 of the laws of 1998,  
3 is amended to read as follows:

4 Premiums for workers' compensation insurance for employments classi-  
5 fied under sections two hundred twenty[~~7~~] **and** two hundred forty [~~and two~~  
6 ~~hundred forty one~~] of the labor law, provided such employments are clas-  
7 sified under each of said sections, shall be established on the basis of  
8 payroll and a formula which provides appropriate credits, provided such  
9 credits shall not apply to payroll in excess of the payroll limitation  
10 amount set forth in subdivision two of section eighty-nine of the work-  
11 ers' compensation law and this subsection. With the exception of employ-  
12 ments engaged in the construction of one or two family residential hous-  
13 ing, premiums shall be calculated in accordance with the following  
14 limitations:

15 § 6. The opening paragraph of paragraph 2 of subsection (e) of section  
16 2304 of the insurance law, as amended by chapter 11 of the laws of 2008,  
17 is amended to read as follows:

18 The loss costs applicable to employments classified under sections two  
19 hundred twenty[~~7~~] **and** two hundred forty [~~and two hundred forty one~~] of  
20 the labor law, provided such employments are classified under each of  
21 said sections, shall be adjusted to reflect the payroll limitations  
22 required by this section as they separately affect such rates for work  
23 actually performed within each of the following geographic territories:

24 § 7. Section 636 of the public housing law, as added by chapter 225 of  
25 the laws of 2022, is amended to read as follows:

26 § 636. Additional requirements for alternative project delivery  
27 contracts. Construction performed under a contract entered into by the  
28 trust pursuant to this article shall be deemed a "public work" to be  
29 performed in accordance with the provisions of article eight of the  
30 labor law, including but not limited to the prevailing wage requirements  
31 set forth in section two hundred twenty of the labor law and the report-  
32 ing, monitoring, and enforcement provisions of article eight of such  
33 law, as well as subject to sections two hundred, two hundred forty[~~7~~ ~~two~~  
34 ~~hundred forty one~~] and two hundred forty-two of the labor law, and for  
35 projects or public works receiving federal aid, applicable federal  
36 requirements for prevailing wage. Any contract entered into pursuant to  
37 section six hundred thirty-four of this article, and undertaken pursuant  
38 to a project labor agreement, shall include a clause requiring the  
39 selected alternative project delivery contractor to obligate every tier  
40 of contractor working on the public work to comply with the project  
41 labor agreement referenced in section six hundred thirty-four of this  
42 article, and shall include project labor agreement compliance monitoring  
43 and enforcement provisions consistent with any such project labor agree-  
44 ment.

45 § 8. Paragraph (a) of subdivision 2-c of section 25 of the workers'  
46 compensation law, as added by chapter 491 of the laws of 1995, is  
47 amended to read as follows:

48 (a) For the purposes of employments classified under sections two  
49 hundred twenty[~~7~~] **and** two hundred forty [~~and two hundred forty one~~] of  
50 the labor law, an employer and a recognized or certified exclusive  
51 bargaining representative of its employees may include within their  
52 collective bargaining agreement provisions to establish an alternative  
53 dispute resolution system to resolve claims arising under this chapter.

54 Any collective bargaining agreement or agreement entered into by the  
55 employee and an employer which purports to preempt any provision of this  
56 chapter or in any way diminishes or changes rights and benefits provided

1 under this chapter, except as expressly provided herein, shall be null,  
2 void and unenforceable.

3 § 9. The opening paragraph of subdivision 2 of section 89 of the work-  
4 ers' compensation law, as added by chapter 135 of the laws of 1998, is  
5 amended to read as follows:

6 Premiums for construction classification employers shall be subject to  
7 a payroll limitation on each construction classification subject to the  
8 following transition program. For purposes of this section,  
9 "construction classification" shall mean employments classified under  
10 sections two hundred twenty[~~7~~ and two hundred forty [~~and two hundred~~  
11 ~~forty-one~~] of the labor law, provided such employments are classified  
12 under each of said sections, except that construction classification  
13 shall not include any employments engaged in the construction of one or  
14 two family residential housing.

15 § 10. This act shall take effect immediately.