S T A T E  O F  N E W  Y O R K

2607

2009-2010 Regular Sessions

I N  S E N A T E

February 25, 2009

Introduced by Sens. FLANAGAN, DeFRANCISCO, HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to mandating bathroom facilities in parking lots associated with structures having a seating capacity of six thousand or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 391-q to read as follows:

S 391-Q. BATHROOM FACILITIES IN PARKING LOTS. 1. FOR PURPOSES OF THIS SECTION:

(A) "PARKING LOT" SHALL MEAN ANY LOT ASSOCIATED WITH A THEATER, STADIUM, ARENA OR OTHER PLACE WHERE PERFORMANCES, CONCERTS, ATHLETIC GAMES OR CONTESTS ARE HELD WITH A SEATING CAPACITY OF SIX THOUSAND OR MORE,

(B) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES.

2. (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ALL PARKING LOTS SHALL PROVIDE A BATHROOM FACILITY FOR INDIVIDUALS FREQUENTING THE PLACE OF BUSINESS ASSOCIATED WITH SUCH LOT.

(B) THERE SHALL BE AT LEAST THREE WATER CLOSETS FOR MEN AND SIX WATER CLOSETS FOR WOMEN FOR EVERY FOUR HUNDRED FIFTY PARKING SPACES.

(C) THERE SHALL BE ONE ADDITIONAL WATER CLOSET FOR MEN AND TWO ADDITIONAL WATER CLOSETS FOR WOMEN FOR EVERY ADDITIONAL TWO HUNDRED PARKING SPACES.

(D) URINALS MAY BE PROVIDED IN BATHROOMS IN LIEU OF WATER CLOSETS FOR MEN, BUT THE NUMBER SHALL NOT EXCEED FIFTY PERCENT OF THE REQUIRED NUMBER OF WATER CLOSETS.

3. (A) THE COMMISSIONER MAY WAIVE THE REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION, PROVIDED, HOWEVER, THAT SUCH WAIVER IS BASED UPON A SPECIFIC FINDING THAT STRICT COMPLIANCE WITH THESE REQUIREMENTS WOULD

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

LBD02000-01-9

BE PHYSICALLY OR LEGALLY IMPOSSIBLE OR WOULD BE UNNECESSARY IN LIGHT OF ALTERNATIVES WHICH INSURE THE ACHIEVEMENT OF THE INTENDED OBJECTIVE OR WHICH ACHIEVE THE INTENDED OBJECTIVE MORE EFFICIENTLY, EFFECTIVELY OR ECONOMICALLY. ALTERNATIVES SHALL NOT INCLUDE BATHROOM FACILITIES LOCATED INSIDE THE PLACE OF BUSINESS ASSOCIATED WITH THE PARKING LOT.

(B) EACH APPLICATION FOR A WAIVER UNDER PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE MADE TO THE COMMISSIONER IN WRITING, SETTING FORTH EACH REQUIREMENT SOUGHT TO BE WAIVED AND THE SPECIFIC REASON OR REASONS THEREFOR. THE COMMISSIONER SHALL DETERMINE, UNDER ALL OF THE CIRCUMSTANCES PRESENTED BY SUCH APPLICATION, WHICH OF SUCH REQUIREMENTS MAY APPROPRIATELY BE WAIVED. THE COMMISSIONER SHALL RENDER SUCH DETERMINATION IN WRITING WITHIN SIXTY DAYS OF RECEIPT OF THE APPLICATION, WHICH SHALL SET FORTH IN DETAIL THE COMMISSIONER'S FINDINGS AND CONCLUSIONS WITH RESPECT TO EACH REQUIREMENT SOUGHT TO BE WAIVED. A COPY OF SUCH WRITTEN DETERMINATION SHALL BE FORWARDED TO THE APPLICANT. SUCH WRITTEN DETERMINATION SHALL BE FILED WITH THE DEPARTMENT AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

(C) THE COMMISSIONER MAY ALLOW THE USE OF PORTABLE TOILET SYSTEMS IN PLACE OF A STATIONARY BUILDING WITH THE REQUIRED NUMBER OF WATER CLOSETS, BUT ONLY IN LIMITED CIRCUMSTANCES AND FOR A SPECIFIED DURATION OF TIME.

S 2. This act shall take effect the first of July next succeeding the date on which it shall have become a law. Effective immediately, the commissioner of the office of general services is authorized and directed to make any addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date.