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

7543

I N S E N A T E

April 20, 2010

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to the licensing by the department of labor of any entity which offers an Occupational Safety and Health Administration construction safety and health course

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

Section 1. This act shall be known and may be cited as the "construction safety course accountability act".

S 2. Section 220-h of the labor law, as added by chapter 282 of the laws of 2007, is amended to read as follows:

S 220-h. Occupational Safety and Health Administration (OSHA) construction safety and health course. 1. The advertised specifications for every contract for the construction, reconstruction, maintenance and/or repair of public work to which the state or a municipality is a party, where the total cost of all work to be performed under the contract is at least two hundred fifty thousand dollars, shall contain a provision requiring that all laborers, workers, and mechanics employed in the performance of the contract on the public work site, either by the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract, shall be certified prior to performing any work on the project as having successfully completed a course in construction safety and health approved by the United States department of labor's occupational safety and health administration that is at least ten hours in duration.

2. THE DEPARTMENT SHALL LICENSE ANY ENTITY OR ORGANIZATION IN THE STATE OF NEW YORK WHICH OFFERS A COURSE TO LABORERS, WORKERS, AND MECHANICS IN CONSTRUCTION SAFETY AND HEALTH APPROVED BY THE UNITED STATES DEPARTMENT OF LABOR'S OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION THAT IS AT LEAST TEN HOURS IN DURATION, INCLUDING, BUT NOT LIMITED TO COURSES GIVEN IN ORDER THAT SUCH LABORERS, WORKERS AND MECHANICS MAY BE ELIGIBLE TO WORK ON CERTAIN PROJECTS PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR PURSUANT TO ANY LOCAL RULE, REGULATION OR ORDINANCE.

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

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3. ANY PERSON, ENTITY OR ORGANIZATION WHICH ISSUES AN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION CONSTRUCTION AND SAFETY HEALTH COURSE CARD IN NEW YORK STATE SHALL SUBMIT A COPY TO THE DEPARTMENT, WITH THE CARDHOLDER'S NAME AND ADDRESS AND THE DATE OF ISSUANCE.

4. THE COMMISSIONER SHALL PROMULGATE ANY RULES OR REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF SUBDIVISIONS TWO AND THREE OF THIS SECTION.

S 3. This act shall take effect immediately.