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

6311

2009-2010 Regular Sessions

I N A S S E M B L Y

March 2, 2009

Introduced by M. of A. GORDON, SAYWARD, JAFFEE, CAMARA, SCARBOROUGH, SCHIMEL -- Multi-Sponsored by -- M. of A. ALFANO, BRADLEY, CALHOUN, CROUCH, DUPREY, ERRIGO, FINCH, GLICK, GREENE, HOOPER, JEFFRIES, MAISEL, MARKEY, McENENY, McKEVITT, MILLMAN, PEOPLES, PHEFFER, ROSENTHAL, SWEENEY, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the state uniform fire prevention and building code standards for the installation of carbon monoxide detectors in restaurants

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

Section 1. Subdivision 5-a of section 378 of the executive law, as amended by chapter 202 of the laws of 2006, is amended to read as follows:

5-a. A. Standards for installation of carbon monoxide detectors requiring that every one or two-family dwelling constructed or offered for sale after July thirtieth, two thousand two, any dwelling accommodation located in a building owned as a condominium or cooperative in the state constructed or offered for sale after July thirtieth, two thousand two, [or] any multiple dwellings constructed or offered for sale after August ninth, two thousand five, OR ANY RESTAURANT CONSTRUCTED OR OFFERED FOR SALE AFTER DECEMBER FIRST, TWO THOUSAND NINE shall have installed an operable carbon monoxide detector of such manufacture, design and installation standards as are established by the council. Carbon monoxide detectors required by this [section] SUBDIVISION are required only where the dwelling unit OR RESTAURANT has appliances, devices or systems that may emit carbon monoxide or has an attached garage.

B. (I) For purposes of this subdivision, [multiple dwelling] "MULTIPLE DWELLING" means a dwelling which is either rented, leased, let or hired out, to be occupied[,] or is occupied as the temporary or permanent

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

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residence or home of three or more families living independently of each other, including but not limited to the following: a tenement, flat house, maisonette apartment, apartment house, apartment hotel, tourist house, bachelor apartment, studio apartment, duplex apartment, kitchenette apartment, hotel, lodging house, rooming house, boarding house, boarding and nursery school, furnished room house, club, sorority house, fraternity house, college and school dormitory, convalescent, AND old age or nursing homes or residences. It shall also include a dwelling, two or more stories in height, and with five or more boarders, roomers or lodgers residing with any one family.

(II) For the purposes of this [section] SUBDIVISION, [sale] "SALE" shall mean the transfer of ownership of a business or property, provided however, transfer of franchises shall not be deemed a sale. [New construction]

(III) FOR THE PURPOSES OF THIS SUBDIVISION, "NEW CONSTRUCTION" shall mean a new facility or a separate building added to an existing facility.

S 2. This act shall take effect immediately.