

6311

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 2, 2009

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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:

1     Section 1. Subdivision 5-a of section 378 of the executive law, as  
2     amended by chapter 202 of the laws of 2006, is amended to read as  
3     follows:  
4     5-a. A. Standards for installation of carbon monoxide detectors  
5     requiring that every one or two-family dwelling constructed or offered  
6     for sale after July thirtieth, two thousand two, any dwelling accommo-  
7     dation located in a building owned as a condominium or cooperative in  
8     the state constructed or offered for sale after July thirtieth, two  
9     thousand two, [or] any multiple dwellings constructed or offered for  
10    sale after August ninth, two thousand five, OR ANY RESTAURANT  
11    CONSTRUCTED OR OFFERED FOR SALE AFTER DECEMBER FIRST, TWO THOUSAND NINE  
12    shall have installed an operable carbon monoxide detector of such manu-  
13    facture, design and installation standards as are established by the  
14    council. Carbon monoxide detectors required by this [section] SUBDIVI-  
15    SION are required only where the dwelling unit OR RESTAURANT has appli-  
16    ances, devices or systems that may emit carbon monoxide or has an  
17    attached garage.  
18    B. (I) For purposes of this subdivision, [multiple dwelling] "MULTIPLE  
19    DWELLING" means a dwelling which is either rented, leased, let or hired  
20    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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1 residence or home of three or more families living independently of each  
2 other, including but not limited to the following: a tenement, flat  
3 house, maisonette apartment, apartment house, apartment hotel, tourist  
4 house, bachelor apartment, studio apartment, duplex apartment, kitchen-  
5 ette apartment, hotel, lodging house, rooming house, boarding house,  
6 boarding and nursery school, furnished room house, club, sorority house,  
7 fraternity house, college and school dormitory, convalescent, AND old  
8 age or nursing homes or residences. It shall also include a dwelling,  
9 two or more stories in height, and with five or more boarders, roomers  
10 or lodgers residing with any one family.

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

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

18 S 2. This act shall take effect immediately.