

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:

1 Section 1. The general business law is amended by adding a new section
2 391-q to read as follows:

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

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

8 (B) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OF GENER-
9 AL SERVICES.

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

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

15 (C) THERE SHALL BE ONE ADDITIONAL WATER CLOSET FOR MEN AND TWO ADDI-
16 TIONAL WATER CLOSETS FOR WOMEN FOR EVERY ADDITIONAL TWO HUNDRED PARKING
17 SPACES.

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

21 3. (A) THE COMMISSIONER MAY WAIVE THE REQUIREMENTS OF SUBDIVISION TWO
22 OF THIS SECTION, PROVIDED, HOWEVER, THAT SUCH WAIVER IS BASED UPON A
23 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

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

6 (B) EACH APPLICATION FOR A WAIVER UNDER PARAGRAPH (A) OF THIS SUBDIVI-
7 SION SHALL BE MADE TO THE COMMISSIONER IN WRITING, SETTING FORTH EACH
8 REQUIREMENT SOUGHT TO BE WAIVED AND THE SPECIFIC REASON OR REASONS
9 THEREFOR. THE COMMISSIONER SHALL DETERMINE, UNDER ALL OF THE CIRCUM-
10 STANCES PRESENTED BY SUCH APPLICATION, WHICH OF SUCH REQUIREMENTS MAY
11 APPROPRIATELY BE WAIVED. THE COMMISSIONER SHALL RENDER SUCH DETERMI-
12 NATION IN WRITING WITHIN SIXTY DAYS OF RECEIPT OF THE APPLICATION, WHICH
13 SHALL SET FORTH IN DETAIL THE COMMISSIONER'S FINDINGS AND CONCLUSIONS
14 WITH RESPECT TO EACH REQUIREMENT SOUGHT TO BE WAIVED. A COPY OF SUCH
15 WRITTEN DETERMINATION SHALL BE FORWARDED TO THE APPLICANT. SUCH WRITTEN
16 DETERMINATION SHALL BE FILED WITH THE DEPARTMENT AND SHALL BE AVAILABLE
17 FOR PUBLIC INSPECTION.

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

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