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

5162

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MORAHAN -- 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 certain hotels, motels and motor courts with balconies

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

Section 1. Legislative findings and intent. The legislature finds and declares that public lodging accommodations with rental units that include balconies with railings containing balusters spaced more than four inches apart pose a threat to the safety of young children. The legislature further finds that parents of young children occupying rental units with such balconies should be made aware of the potential danger such balconies may pose to young children.

Therefore, it is the intent of the legislature to require hotel, motel and motor court operators with balconies that do not meet the current requirements set forth in the New York state uniform fire prevention and building code or building code of the city of New York, if applicable, to post a notice in informing lodgers of such condition. This legislation shall not be construed to mean that hotel, motel or motor court buildings lawfully grandfathered under the laws creating the New York state uniform fire prevention and building code and building code of the city of New York are in any way out of compliance with such codes.

S 2. This act shall be known and may be cited as "Sammy's law".

S 3. The general business law is amended by adding a new section 204-b to read as follows:

S 204-B. HOTELS WITH BALCONIES; REQUIREMENTS. 1. FOR THE PURPOSE OF THIS SECTION:

(A) "COVERED RENTAL UNIT" SHALL MEAN ANY ROOM OFFERED TO THE PUBLIC FOR LODGING ACCOMMODATION THAT INCLUDES A BALCONY, SOLELY ACCESSIBLE BY THE OCCUPANT OR OCCUPANTS OF SUCH ROOM, THAT:

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

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(I) WAS BUILT BEFORE THE CURRENT VERSION OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE, OR THE BUILDING CODE OF THE CITY OF NEW YORK, IF APPLICABLE, BECAME EFFECTIVE;

(II) CONTAINS BALUSTERS OR ORNAMENTAL PATTERNS SITUATED IN SUCH A WAY THAT SUCH BALCONY DOES NOT MEET THE CURRENT REQUIREMENTS FOR OPEN GUARDS CONTAINED IN THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE, OR THE BUILDING CODE OF THE CITY OF NEW YORK, IF APPLICABLE.

(B) "NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE" MEANS THE UNIFORM FIRE PREVENTION AND BUILDING CODE PROMULGATED UNDER SECTION THREE HUNDRED SEVENTY-SEVEN OF THE EXECUTIVE LAW.

(C) "BUILDING CODE OF THE CITY OF NEW YORK" SHALL MEAN THE BUILDING CODE OF THE CITY OF NEW YORK AS DEFINED IN TITLES TWENTY-SEVEN AND TWENTY-EIGHT OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

2. EVERY PERSON, FIRM, CORPORATION OR LIMITED LIABILITY COMPANY ENGAGED IN THE BUSINESS OF FURNISHING PUBLIC LODGING ACCOMMODATIONS IN HOTELS, MOTELS OR MOTOR COURTS WITH COVERED RENTAL UNITS SHALL POST IN ALL COVERED RENTAL UNITS THE FOLLOWING NOTICE, OR A SUBSTANTIALLY SIMILAR NOTICE, IN A CONSPICUOUS LOCATION AT EYE LEVEL ON THE DOOR USED TO ACCESS THE BALCONY FROM THE UNIT IN SUCH A MANNER THAT A PERSON EXITING THE UNIT THROUGH THE DOOR IS MOST LIKELY TO SEE SUCH NOTICE. SUCH NOTICE SHALL STATE:

"WARNING: THE POTENTIAL EXISTS FOR YOUNG CHILDREN TO SLIP THROUGH SPACES BETWEEN THE BALUSTERS OR ORNAMENTAL PATTERNS OF THIS BALCONY."

SUCH NOTICE SHALL BE PRINTED IN NO LESS THAN FORTY POINT TYPE, EXCEPT THAT THE WORD "WARNING" SHALL BE PRINTED IN AT LEAST SEVENTY-TWO POINT TYPE. SUCH NOTICE SHALL BE PRINTED IN ENGLISH AND IN THE SECOND MOST POPULAR LANGUAGE SPOKEN BY RESIDENTS IN THE COUNTY IN WHICH THE PUBLIC LODGING ACCOMMODATION IS LOCATED.

3. THE DEPARTMENT OF STATE SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE DEEMED NECESSARY TO EFFECTUATE THE PURPOSES OF THIS SECTION, AND SHALL PROVIDE WRITTEN NOTIFICATION OF THE PROVISIONS OF THIS SECTION TO:

(A) EVERY PERSON, FIRM, CORPORATION OR LIMITED LIABILITY COMPANY ENGAGED IN THE BUSINESS OF FURNISHING PUBLIC LODGING ACCOMMODATIONS IN HOTELS, MOTELS OR MOTOR COURTS LOCATED IN THE STATE; AND

(B) THE CHIEF PRESIDING OFFICER OF A STATEWIDE ASSOCIATION REPRESENTING THE INTERESTS OF BUILDING CODE ENFORCEMENT OFFICIALS.

S 4. This act shall take effect on the sixtieth day after it shall have become a law.