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I N   A S S E M B L Y

May 10, 2012

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Introduced by M. of A. SCHIMEL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the criminal enforcement of violations of the state's uniform fire prevention and building code

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

1     Section 1. Subdivision 2 of section 382 of the executive law, as  
2 amended by chapter 135 of the laws of 1997, is amended to read as  
3 follows:  
4     2. [Any person, having been served, either personally or by registered  
5 or certified mail, with an order to remedy any condition found to exist  
6 in, on, or about any building in violation of the uniform fire  
7 prevention and building code, who shall fail to comply with such order  
8 within the time fixed by the regulations promulgated by the secretary  
9 pursuant to subdivision one of section three hundred eighty-one of this  
10 article, such time period to be stated in the order, and]  
11     (A) ANY PERSON, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNER-  
12 SHIP, OR CORPORATION OWNING, IN CONTROL OF, AGENT FOR, TENANT OF, OR  
13 OTHERWISE RESPONSIBLE FOR A PROPERTY OR BUILDING, HAVING BEEN SERVED,  
14 EITHER PERSONALLY OR PURSUANT TO SUBDIVISION FOUR OF SECTION THREE  
15 HUNDRED EIGHT OF THE CIVIL PRACTICE LAW AND RULES, WITH AN ORDER TO  
16 REMEDY ANY CONDITION FOUND TO EXIST IN, ON, OR ABOUT THE PROPERTY OR ANY  
17 BUILDING ON THE PROPERTY IN VIOLATION OF THE UNIFORM FIRE PREVENTION AND  
18 BUILDING CODE, WHO FAILS TO COMPLY WITH SUCH ORDER WITHIN THE TIME STAT-  
19 ED THEREIN OR any owner, builder, PROPERTY MANAGER, PROPERTY AGENT,  
20 architect, tenant, contractor, subcontractor, construction superinten-  
21 dent or their agents or any other person [taking part or assisting in  
22 the construction of any building], LIMITED LIABILITY COMPANY, LIMITED  
23 LIABILITY PARTNERSHIP, OR CORPORATION PARTICIPATING OR ASSISTING IN  
24 EITHER THE CONSTRUCTION OF ANY BUILDING OR THE MAINTENANCE, CONTROL, OR  
25 OVERSIGHT OF A PROPERTY OR BUILDING who [shall] knowingly [violate]  
26 VIOLATES any of the applicable provisions of the uniform code or any  
27 lawful order of a local government, a county or the secretary made ther-

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

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1 eunder regarding standards for construction, maintenance, or fire  
2 protection [equipment and systems, shall be], IS GUILTY OF A MISDEMEA-  
3 NOR, punishable by a fine of not more than [one] TWO thousand dollars  
4 per day of violation, or imprisonment not exceeding one year, or both.  
5 (B) ANY PERSON, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNER-  
6 SHIP OR CORPORATION WHO OWNS, IS IN CONTROL OF, IS AN AGENT FOR, IS A  
7 TENANT OF, OR IS OTHERWISE RESPONSIBLE FOR A PROPERTY OR BUILDING,  
8 HAVING BEEN SERVED, EITHER PERSONALLY OR PURSUANT TO SUBDIVISION FOUR OF  
9 SECTION THREE HUNDRED EIGHT OF THE CIVIL PRACTICE LAW AND RULES, WITH AN  
10 ORDER TO REMEDY ANY CONDITION FOUND TO EXIST IN, ON, OR ABOUT THE PROP-  
11 ERTY OR ANY BUILDING ON THE PROPERTY IN VIOLATION OF THE UNIFORM FIRE  
12 PREVENTION AND BUILDING CODE, WHO FAILS TO COMPLY WITH SUCH ORDER WITHIN  
13 THE TIME STATED THEREIN OR ANY OWNER, BUILDER, PROPERTY MANAGER, PROPER-  
14 TY AGENT, ARCHITECT, TENANT, CONTRACTOR, SUBCONTRACTOR, CONSTRUCTION  
15 SUPERINTENDENT OR THEIR AGENTS OR ANY OTHER PERSON, LIMITED LIABILITY  
16 COMPANY, LIMITED LIABILITY PARTNERSHIP, OR CORPORATION PARTICIPATING OR  
17 ASSISTING IN EITHER THE CONSTRUCTION OF ANY BUILDING OR THE MAINTENANCE,  
18 CONTROL, OR OVERSIGHT OF A PROPERTY OR BUILDING WHO VIOLATES ANY OF THE  
19 APPLICABLE PROVISIONS OF THE UNIFORM CODE OR ANY LAWFUL ORDER OF A LOCAL  
20 GOVERNMENT, A COUNTY OR THE SECRETARY MADE THEREUNDER REGARDING STAND-  
21 ARDS FOR CONSTRUCTION, MAINTENANCE, OR FIRE PROTECTION, IS GUILTY OF A  
22 VIOLATION, PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS  
23 PER DAY OF VIOLATION, OR IMPRISONMENT NOT EXCEEDING FIFTEEN DAYS, OR  
24 BOTH.  
25 S 2. This act shall take effect on the first of November next succeed-  
26 ing the date on which it shall have become a law.