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

3827

2011-2012 Regular Sessions

I N S E N A T E

March 7, 2011

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to enacting the "roadway excavation quality assurance act"

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

Section 1. Short title. This act shall be known and may be cited as the "roadway excavation quality assurance act".

S 2. The labor law is amended by adding a new section 28 to read as follows:

S 28. WORKERS ON EXCAVATIONS. UTILITY COMPANIES OR THEIR CONTRACTORS, TO WHOM A PERMIT MAY BE ISSUED BY THE STATE, A COUNTY OR A MUNICIPALITY TO USE OR OPEN A STREET, SHALL BE REQUIRED, BEFORE SUCH PERMIT SHALL BE ISSUED, TO ENTER INTO AN AGREEMENT THAT ONLY COMPETENT WORKERS SKILLED IN THE WORK REQUIRED OF THEM, SHALL BE EMPLOYED ON THE PROJECT FOR WHICH SUCH PERMIT TO USE OR OPEN A STREET WAS ISSUED, AND THAT THE PREVAILING WAGE FOR SIMILAR TITLES AS ESTABLISHED BY THE FISCAL OFFICER PURSUANT TO SECTION TWO HUNDRED TWENTY OF THIS CHAPTER, BE PAID TO THOSE SO EMPLOYED. NO PERMIT SHALL BE ISSUED UNTIL SUCH AGREEMENT SHALL HAVE BEEN ENTERED INTO WITH THE APPROPRIATE STATE, COUNTY OR MUNICIPAL AGENCY, AND ALL PERMITS ISSUED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL INCLUDE THEREIN A COPY OF THIS SECTION. WHEN PERMITS ARE ISSUED TO UTILITY COMPANIES OR THEIR CONTRACTORS, THE POWER TO ENFORCE THE TERMS OF THIS SECTION SHALL BE VESTED WITH THE DEPARTMENT CONSISTENT WITH THE PROVISIONS OF SECTION TWO HUNDRED TWENTY OF THIS CHAPTER.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

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